

DEBATES IN CONGRESS.

PART II. OF VOL. VI.

THE UNIVERSITY OF CHICAGO

PHILIP H. KATZ

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REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

U.S.
OF THE FIRST SESSION OF THE TWENTY-FIRST CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND

THE LAWS ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME VI.

WASHINGTON:

PRINTED AND PUBLISHED BY GALES AND SEATON.

1830.

REGISTER

RECEIVED FOR THE

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17th

MARCH 24, 1830.]

Buffalo and New Orleans Road.

[H. of R.]

works, demanded of it by the strongest principles of duty, interest, and equality, an opportunity is offered to us, in common with others, of getting a return of something like the interest upon our taxes. And if no adequate return is made in this way, in what other way can it be made? There is no other. This, sir, is the only method by which any approach to equality and fairness in the disbursement of the revenue can be gained in practice. The principle of equal distribution is in its nature general. An exact application of it cannot always be made; but it has found in the system of internal improvement the best means of attaining the end, and under the prudent operations of that system it will be a powerful auxiliary in working out the salvation of this country.

I do not mean to say that every thing done upon the tide water is wrong: very far from it. I might confidently appeal to the recollection of those with whom I have acted for the last seven years, to bear me out in saying that I have generally voted for such appropriations. I would not now stop them if I could; I say to gentlemen go on; finish your fortifications and other national works with reasonable despatch, and, as heretofore, I will go with you. But while you are making all safe and convenient without, I beg of you to turn your eyes within, examine the region of the interior, and extend to it the benefits of your equal care. Allow even to the West a share of the surplus millions, for an annual surplus, with proper economy, there will be, which might likely be increased by some diminution safely made from objects which have received more than equal munificence.

The gentleman from Virginia says, he would take care that there should be no surplus revenue. That when the national debt shall be paid, which we are alike desirous of hastening, and which this bill cannot delay, he would reduce the revenue to the annual expenditure. But could we do it? Would it not baffle the skill and experience of even that gentleman, great as they are, to draught a revenue law that they should exactly meet the annual expenditure? On reflection he must admit that it would, for it is impossible to foresee either the amount of imposts or appropriations, and graduate the one with the other. They both depend on too many contingencies. And to avoid the danger of suffering your revenue to fall below the demands upon it, you must necessarily make it go above. In reducing and equalizing the tariff, I would go a great way with that gentleman; but I would stop considerably short of the point to which his theory would lead him, and which I must think he has pushed faster and further than practical convenience and real safety will warrant. If the public debt were now paid, the books balanced, and closed, and sealed with seven seals, I would not if I could to-day reduce the duties to the point of current expenditure. And why? To do that suddenly, to do it otherwise than by the gradual indications of time and experience, perhaps to do it at all, would convulse this nation through all its essential interests. I would not reduce the revenue to that point, because extraordinary occurrences in the world, and the exigencies of the Government, may often render it a matter of the first necessity to have a surplus at command. And I would not do it for another, and to my mind a better reason. I would have a surplus to expend in the gradual improvement of the country. For that improvement I would tax its commerce, because that tax is in a great measure voluntary; because it will relieve the property of the citizens of the State from a direct and indiscriminate levy of contribution for these purposes; and, above all, because it is the very interest which, acting in unison with the great farming interest of the community, is to reap the benefits of these works. It ought to bear the charge of making them, and it can do it without feeling the pressure. If we can look forward to the time when commerce shall again raise its languid head, freed from

the shackles of high, disproportionate, and prohibitory duties, we will see the agricultural interest springing forward to meet it with redoubled animation and vigor, and these improvements will be the highways of their communications.

If any one branch of industry or enterprise can have more at stake in these improvements than another, it is the great farming interest of the interior. That is closely connected with, yet primary to all others. Who would toil through the summer's sun for more than a subsistence, without the means, either by land or water, of carrying his surplus to a market? Or who would tug the heavy produce of his land, through the mud and mire and rains of winter, to a distant market, without the prospect of bringing something back that should more than repay the cost and drudgery of taking it there? Let but the truth be told—the deplorable condition of this neglected part of the community be known, and I envy no man the heart that cannot feel for it, nor the hand that will not relieve it.

We have heard urged against this, as all other measures of the kind, the effects of expending the public resources in the improvement of the country. These effects are fancifully, and I think falsely, described as pernicious to morality, and dangerous to liberty. What, sir! is it immoral or unjust to lay out a portion of the money paid by the people in accomplishing something that shall be permanently useful to themselves and the nation? Is it wrong to encourage industry by removing the impediments that lie in its way to the comfortable enjoyment of life, and the education of rising generations? No, sir; morality is not to suffer in this cause, unless, indeed, the virtue of this people is only to be preserved in a state of wretchedness and ignorance. And how is liberty to be in danger from this system? Philosophers may admire liberty for its own sake; but that liberty which the mass of mankind understand, the free institutions which they love, and would die to defend, must, with its other blessings, afford the security of equal laws, and the full participations of equal benefits.

Again: It is said that any improvement at one place will produce dissatisfaction at others, because that or something else is not done there. I tell you, sir, the dissatisfaction will be much deeper, and more universal, if they are not done somewhere. It is no objection to this, or any other course of profitable legislation, that every thing cannot be done at once; nor is it any excuse for not doing all we can, and doing it as fast as we can. These, with the whole class of forced objections to which they belong, should rather stimulate to exertion and uniformity in our progress to ultimate success.

Let me say, in conclusion, that this is no new experiment. It commenced a few years after the adoption of the constitution, and has been gaining ground ever since. But its principles, as now maintained by a great majority of the nation, were not firmly settled till the eighteenth Congress. Then (without going farther from home) the Representatives of Kentucky and Tennessee were found acting together with equal unanimity in both Houses of Congress, in support of this great measure. And whatever Kentucky may have expected from it, a little help at the Louisville canal is all the immediate advantage she has yet achieved. As for Tennessee, these dispensing showers have all passed her by. The first dew has not yet refreshed her fields. But our time has now come, and it behooves us to be consistent with ourselves, true to our own principles, and alive to the prosperity of our country; and not ours only, but every other where the hand of improvement should be laid. That country and this cause deserve higher efforts than I can exert; yet, whatever on my part can be supplied by devotion and perseverance, shall be continued, regardless of intervening obstacles, as long as there is hope of success.

[Here the debate closed for this day.]

H. of R.]

Pay of Members.

[MARCH 25, 1830.]

THURSDAY, MARCH 25, 1830.

The House resumed the consideration of the resolution offered by Mr. SWIFT on the 18th instant—the question being on the amendment offered by Mr. DRAYTON.

The said resolution, at the instance of Mr. WICKLIFFE, and by consent of Mr. SWIFT, was modified so as to read as follows:

Resolved, That the Secretary of War be requested to cause the necessary survey to be made on or at the outlet of Lake Champlain, near the Canada line, in order to ascertain the expediency of erecting a fortification for the defence of that frontier of the United States, and report a plan and estimate at the next session of Congress.

Mr. DRAYTON withdrew his amendment, and the resolution as modified was agreed to.

PAY OF MEMBERS.

The following resolution, laid on the table some days since by Mr. McDUFFIE, was taken up:

Resolved, That the Committee on Retrenchment be instructed to report a bill providing that whenever the first session of Congress shall continue for a longer period than one hundred and twenty days, the pay of the members shall be reduced to two dollars per day from and after the termination of the said one hundred and twenty days; and that whenever the second session of Congress shall continue for a longer period than ninety days, the pay of the members shall be reduced to two dollars per day from and after the termination of said ninety days."

Mr. McDUFFIE said that the resolution spoke its own importance, and superseded the necessity of any arguments in its support. He would, however, say one or two words on the subject. The adoption of the resolution, while it would not impair the legislative efficiency of the House, would save at least one month of the time now consumed by Congress at every long session. He had made an estimate of the saving which this would produce, and had ascertained that it would save the sum of seventy-five thousand dollars each year of its operation; and at the same time the public business would be well done. He had made another estimate—that if Congress sat five months, the average pay of the members would be seven dollars a day; this was an adequate compensation; but, if the members chose to attend assiduously to the public business, and complete it within the time prescribed, they would still receive eight dollars. The effect of this resolution, he was confident, would be to increase attention to the discharge of public business, without diminishing the pay while here. It was universally agreed [said Mr. McD.] that the "compensation law" contained at least one wise principle—that of a salary compensation instead of a *per diem* one. The only objection urged against it, and the cause of its unpopularity, was, that it was enacted by those who were to receive its benefit. He, however, differed from the general opinion on the advantage of the salary principle. He thought it would operate as too powerful a stimulus on members to get through the public business, and that it would be done too hastily. His proposition combined both principles, and the advantages of both without their defects. In every view of the subject, therefore, he conceived it would be one of the most effective measures of economy ever proposed by Congress, in regard to itself.

Mr. DWIGHT concurred most cordially in the principle and expediency of the proposition. The business of Congress could be as well done by the first of April as the first of June; and when once the limit was fixed for the earlier day, there would be no difficulty in completing all the business which it was proper to perform. He hoped the resolution would pass.

Mr. WHITTLESEY said, the object of the gentleman from South Carolina was to hasten the business before the House, and that he would most cheerfully unite with him

in accomplishing it, in this or any other mode. But he would suggest to the gentleman whether his object would not be more certainly attained by accepting a modification that he would mention. The gentleman from South Carolina has given it as his opinion that the business of Congress may be done in four months, take one session with another. Mr. W. said, he thought if members would faithfully discharge the trust reposed in them, that it might be done in three months. We have heard much said of organizing a business party in this House, and gentlemen have patriotically tendered their services as privates; but there appears to exist a great reluctance against officering the corps. He said he was one who was disposed to put the party under complete organization. And he would propose that forty-five members enter into a solemn stipulation that they will sustain a call for the yeas and nays whenever a motion shall be made to adjourn before four o'clock. He would have this corps persevere in keeping the House in session; and if one should prove treacherous and desert, he would have him tried and shot. Notwithstanding what we have heard said about a business party, it was no longer than last Saturday that a motion was made to adjourn at about two o'clock, and, on a motion to call the yeas and nays, only thirteen were found to sustain the call, when it was known to gentlemen that there was public business of great importance to be acted on, and it was also known that there are claimants here, who will be inevitably ruined unless bills for their relief pass. We have been in session one hundred and nine days, during which time the House has met only seventy-nine days. We have enacted thirty-four laws, where the bills originated in the House, and five where they originated in the Senate; sixty-one bills are before the Senate that have passed the House, and fifty-four are before the House that have passed the Senate. The whole number of bills reported to the House is three hundred and seventy-nine, and the number of resolutions adopted is four hundred and eighty; and this mass of business is to be left unacted on, or so hastened through, that very few members will know what provisions the bills contain. The correct mode of legislating is to commence the session with a determination to attend to business—to prolong the daily session of the House, and not adjourn from Friday to Monday. The excuse offered by gentlemen for adjourning has been that they have business at the departments. Mr. W. said he came from a section of the country where some claims remained unsettled, and that he found he could generally transact the business confided to him better by writing than by a personal attendance. The business of the departments was interrupted by the calling of the members, and the officers, he did not believe, had any desire to see them. It was very rare that an answer could be given at once, and it was generally transmitted through the post office. He said he considered the excuse for adjourning over as groundless, and that the time was spent in amusement. The proposition of the gentleman from South Carolina will punish the industrious with the negligent and inattentive. He was one who believed, with the flourishing condition of the treasury, that eight dollars a day was not too much for a member to receive for his services, if his time was faithfully bestowed on the business of the House. He knew there were members who devoted day and night to mature business, and to attend to it in its progress through the House. He was unwilling that these should be curtailed in their daily allowance because others were remiss in their duties. The modification he would suggest to the gentleman is this: that no member who is not in attendance on the House when it is called to order in the morning, or who shall not be absent during the calling of the yeas and nays, without rendering a satisfactory excuse for his absence, shall be entitled to *per diem* pay for that day. Gentlemen need not apprehend that there is any thing humiliating in rendering an excuse to

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the Speaker, if they are detained from the House by business that could not be dispensed with; much less is there any thing objectionable to the most delicate sensibility in making such excuse, if the detention arises from sickness. He would go further: he would have a list of the absentees published in the papers that published the laws, so that the constituents of any member might know how he spent his time here. If the people were apprised of our neglect of duty, they would correct the evil. The object of having the House composed of two hundred and thirteen members, is to unite the intelligence of that number on every proposition that is acted on; but whoever will take the pains to examine the list of yeas and nays, will find that in most cases, unless it be on a political or on some great national question, we rarely have more than a bare majority for doing business. He would throw the responsibility on every member, and ensure his constant attendance. He said he was willing to unite in any measure that would despatch the business; but he feared the present resolution would not accomplish that object—that we should waste the time of the session until we came to the allowance of two dollars a day, and then that we should leave the business undone; and for that reason he expressed a hope that the modification suggested would be accepted by the mover of the resolution.

Mr. TUCKER said, it had been his object to fix the day of adjournment. He was gratified with the resolution offered by his colleague. The gentleman from Ohio said he believed the business of the House could be done in three months. Why, then, did not the gentleman vote for the proposition, and introduce his own plan afterwards?

Mr. GOODENOW made some remarks, which he concluded by moving the previous question—yeas, 42. So the bill was not seconded.

Mr. ALEXANDER said, that, from his experience here, and after much reflection upon the subject, his mind had been brought to the conclusion that some such principle as the one proposed in the resolution was necessary to be adopted by Congress to enable us to do justice to the interests of the nation with which we are charged. When [said Mr. A.] I first had the honor of a seat here, I was of an opinion that the compensation allowed was but a reasonable pay, considering the extravagance at that day, and the depreciation of money. But the case is now different; the value of money has appreciated, and every thing become proportionably cheaper; and I believe the only corrective against the abuse of the time of Congress and mischievous legislation of which the people have so much right to complain, will be found in the remedy proposed, which carries along its own limitation as to the period of our sessions. What [said Mr. A.] has been the fact of late years in regard to the history of our proceedings, and of which there seems to be no prospect of a discontinuance? Why, the first three or four months of the first session of Congress, sufficient for all the necessary purposes of legislation, have been usually consumed in idle and unprofitable debate, connected with one's own personal aggrandizement, or in projecting schemes for party or political purposes, little calculated to promote the public interest. We find, during the late war, when the interest of the country was concerned in conducting it to a successful conclusion, amidst the most violent opposition, Congress rarely ever sat the first session beyond what is now the usual period of the termination of our labors. We are necessarily led to inquire into the causes, and see if there exists a necessity for it or no. I can perceive but two, and two only, neither of which, in my judgment, will longer justify a continuance of the practice.

The attention of Congress having been withdrawn from the theatre of war, it was thrown upon the domestic concerns and relations of the country, with many of which it had nothing to do; and hence have sprung up all the unhappy differences, local divisions, and calamities, with which

we are surrounded, that have goaded on the people to a state of desperation. This Government, from having been confined to our external relations chiefly, and a few internal regulations, has undertaken to regulate the whole labor and industry of the country, and thereby drawn within its vortex a sum of legislative powers properly belonging to State jurisdiction.

The great evil of this Government, as of every other, and of which the people are convinced more and more every day, having experienced it in a greater degree, probably, than any nation under the sun, is the immense mass of legislation with which they are afflicted. Besides four and twenty State Governments, acting directly upon them once a year, they have an annual Federal Legislature, with all its ramifications and corruptions, preying upon them with a cormorant's appetite, to a degree beyond human endurance. While I admit in theory it is perhaps the most beautiful in the world, when confined within its proper limits, in practice, I am not sure, without reform, it will prove the most tyrannical and oppressive that the ingenuity of man could have devised. What does it matter, whether the people are taxed in a republic or a despotism? It is all the same to them; and it seems that injustice, violence, and rapine can be as well exercised in the one as the other. Nay, more securely, because it works by stealth under a false denomination. Now, sir, as I have no well grounded hope of an amendment in their condition—as I perceive the same legislative course which has been pursued for several years past, is likely to be continued—the same system of taxation and unequal distribution of the funds of the nation to be kept up as heretofore, I must look out for the best protection for them that I can, against what I conceive to be their own worst enemy—too much legislation. And this, I think, will be found in the reduction of the pay of the members. I know it to be a delicate subject, which touches the nervous sensibility of every one. But if we are in earnest in the professions that were given to the people at the coming day of a reform in the abuses and extravagance of the administration of affairs, and which they have so much right to expect at our hands, let us go into the good work, and show a devotion worthy the cause in which we are engaged. After the example set us by the Executive head of this nation, who has gone forward with a firmness and decision that bespeak his character, holding this language on his elevation, that “the recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of reform;” relying upon our co-operation, we should be unfaithful to the trust reposed in us, were we to halt and hesitate in so eventful a crisis. What has been done in this respect after the laborious and faithful investigation of the Committee on Retrenchment the last session, and the parting voice of the able chairman who committed to his successors the charge, with the hope that it might be prosecuted to a successful issue for the benefit of the people? Nothing but the discontinuance of the draughtsman of this House, while the other measures rest silently on your table, or sleep the sleep of death within the bosom of the committee itself. This is one of the measures they recommended to our attention.

I take it, sir, there are two principles connected with this subject, which must always enter into the character of every legislative body. The one of interest, the other of honor. If it were possible wholly to attain the latter, it would, no doubt, be the best and safest for the country. But as it is considered with us that the “laborer is worthy of his hire,” and it is not expected that any person can serve here without a reasonable compensation, the great object, it seems to me, should be to produce the happy combination of the two, in such manner, that while the one offers a sufficient inducement for talents and virtue, the other destroys the temptation. This, I think, will be accomplished by the proposition now before us.

Moderate salaries are consistent with the spirit and principles of our institutions; and in proportion as the value of our own pay is enhanced, does it regulate every thing else connected with the operations of Government. I confess that I have no faith in any improvement being made in other respects, until we direct our attention here. I do not say that it will be proper to follow up this example in regard to all the other officers of Government, as proposed by a resolution now on your table, because these, in some respects, depend upon entirely distinct principles. If they are faithful and vigilant in their respective places, it is but right that they should receive a just and adequate compensation for their services.

But the nation expects, and has a right to demand, something at our hands, in relation to those great and important expenditures which have been so wastefully and extravagantly lavished away; and there seems no likelihood, at present, of any change for the better in this respect.

As the hope is a vain one which I entertain of any thing like a recurrence to the original principles of the Government, the only safety and security for the people, that I can see, will be in the economical administration of affairs in every department thereof. And I rather think this will at last be found the only distinction between a republican and monarchical form of Government. Whether even this shall be accomplished, we have yet to learn. From the disposition that has been manifested, the progress of measures before this House, and the character of some that have passed from before us, we are met with despair even here; in what, then, I ask, have the times differed from those that have gone by? and how can we stand justified before the people, who were led to expect important and radical changes? I say nothing of the head of this administration, from whom we have the assurance that, as far as depends upon him, he will not be behind us in the great work of reform. The defect is here, and he can do but little without our aid. It is, I conscientiously believe, sir, in the pay of the members, offering an inducement to continue here longer than is necessary for the transaction of the real business of the nation, doing, as they always must, mischief, when good is unattainable. I am, therefore, for striking at the root of the evil, and making a seat become here what it ought to be, rather the post of honor than of profit. I, therefore, shall give my cordial support to the proposition now before the House, with a hope that it may be referred and acted upon.

Mr. COULTER then rose, but the SPEAKER having announced that the hour had elapsed, the discussion was arrested.

BUFFALO AND NEW ORLEANS ROAD.

On the motion of Mr. HEMPHILL, the House resolved itself into a Committee of the Whole House on the state of the Union, Mr. HAYNES in the chair, and resumed the consideration of the bill "to construct a national road from Buffalo, by Washington city, to New Orleans."

Mr. CARSON said, the supporters of this bill urged the importance of its passage upon four general considerations, to wit: Commercial, Political, Military, and the Transportation of the Mail.

The constitutional powers of Congress to act upon this and similar subjects, have been assumed and maintained by the supporters of the bill. Upon all subjects of this kind, [said Mr. C.] involving constitutional questions, which have been discussed since I occupied a seat in this House, I have studiously avoided entering into the debates upon them. I have done so, for the very plain reason that my vocation is that of a farmer; and well knowing that it required professional science and deep research to elucidate and give satisfaction upon those critical points upon which men of eminence, patriotism, and distinction differ. Under these circumstances, I may well be permitted to be, if not without hope, at least too dif-

fident of my own opinion upon constitutional questions, to trouble the House with the reasons upon which they are founded. Yet, as I am the representative of an intelligent and most excellent community, and as I have to act under the obligations of an oath "to support the constitution of the United States"—that charter under the guaranties of which we can alone act here—it is incumbent upon me to look into that charter, and well examine the powers which it extends to us, and to act in accordance with my own views, however crude; for, sir, on all questions in which conscience is involved, the decision must be made by that tribunal, from which there is no appeal; and however great our respect and deference for the opinions of others, in cases of this kind, we are thrown back upon ourselves, and must alone depend upon our own views of right or wrong.

But, whatever my views may be of the constitutional powers of Congress, or however adverse to bills of this kind, I feel that it would be wholly useless to urge them here; and if I should not be suspected of an attempt at rhetorical flourish, I would say, that you might as well attempt to dissolve those marble columns which support the canopy of this hall, by blowing upon them the breath of your nostrils, as to convince, by force of argument or powers of eloquence, those who have made up their opinions, or who, from the force of circumstances, will not be convinced.

Yes, it would be worse than idle; for all the experience which I have had upon this floor but strengthens me in the conviction, that if ever constitutional arguments are argued with effect, it will be in other halls—not this. But do not infer any thing like a spirit of disunion in me, from this remark—far from it. I look upon that as the last resort, resulting from insufferable oppression, which a minority may be forced or driven to, when it would cease to be patriotism to submit. But, should that ever arrive, (which may God of his infinite mercy avert!) may we not justly fear that the world may then bid a long farewell to all republics, and to the rights of man?

But, whilst I disclaim any thing like a disposition to disunion in the remark, it may be proper here to say that it partakes something of the nullifying doctrines, which, while they are more pacific in their nature, will be found to be, in my opinion, as effectual in their results. Upon a more proper occasion, I may give my views fully upon this subject of "nullification," as it has been denominated in the other branch of this Legislature. But, as I am somewhat the creature of impulses, I shall be governed, in this particular, by subsequent feeling and reflection.

My design is to speak of the expediency, or rather inexpediency, of this measure; not that I can add any thing to the powerful argument of the justly distinguished gentleman from Virginia, [Mr. P. P. BARBOUR] for the grounds which he took were so fully and ably occupied, that he has left little to be said by others. I shall, however, take the same side of the question; not that I shall be able to shed a new ray of light upon the subject, but for the reason that the bird of more humble flight may sometimes see what the eagle overlooks.

The supporters of this bill do not claim the power under which they act, as expressly delegated by the constitution, but as an incidental power; or, in other words, as a mean necessary to carry into effect some of the expressed powers.

Admitting this position to be correct, and which I do to a certain but limited extent, the question then naturally arises, does the exigency of the country demand at our hands the exercise of those incidental powers, or the use of those means, to effect any of the objects contemplated by those powers expressly delegated? And if so, another question will also arise: Will this road meet those exigencies, and effect the object? To both of these propositions, I answer in the negative most positively. There,

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is no necessity which demands at our hands the application of the public funds for purposes of this kind. Neither the "common defence," nor the "general welfare," demands it. And if the security of either of the points, to which this road is contemplated to be constructed, did demand the exercise of those powers, and the application of our treasure, I ask in the name of common sense, sir, if this road, a mere paltry earthen way, would afford the security desired?

But, four general considerations have been urged in support of the bill, and they may truly be said to be most pliant considerations; for they are brought to bear upon all subjects of internal improvement, requiring the public lands or the public money.

It shall be my object to show that not one of those considerations requires that this road should be made. I shall take them up in the order in which I find them in the report of the engineers made to this House at the first session of the nineteenth Congress. And the first in order is its commercial advantage.

It has been gravely maintained that this road is all important as a line of intercommunication between distant points for the facilities of commercial intercourse, and the transportation of produce and merchandise. Now, sir, admitting the constitutionality and the propriety of making roads for commercial purposes, is there any one who seriously believes that this, or any other road, can possibly be brought to compete, successfully, with the mighty father of rivers, and its tributary streams? What, sir! change the channel of produce from the finest rivers in the world, with the powerful agency of steam, propelling boats hundreds of miles in the twenty-four hours, with a mere "earthen" road! When the mighty Missouri shall turn her current back upon her source, and force a passage through the Rocky Mountains, and empty her vast tribute of waters into the Pacific, and the beautiful Ohio shall be brought through the tunnel proposed to be cut by the gentleman from Virginia, [MR. MERCER] and pour her waters into the Chesapeake, then, and not till then, let the gentleman propose the construction of roads through that region of country for commercial purposes.

But what kind of road have we proposed to us by this bill? "An earthen road," sir. Yes, sir, a miserable, paltry, earthen road. The honorable chairman and his committee have not only fallen far in the rear of the march of science and the arts in road making, but they have gone entirely back to olden times. Earthen roads were the first system of intercommunication known to man. They were superseded by turnpikes, as they are called, which consisted in the application of stone, gravel, and other materials, which improved the foundation, and made it capable of bearing greater weight. Mr. McAdam has improved upon those roads, by a peculiar and regular method of preparing and applying the stone; and from his celebrity in his improvements, has arisen the name of McAdamized roads.

But, above all, is that highest effort of the human intellect, in perfecting a system of road intercommunication, which, for ease, safety, and expedition, challenges the astonishment and admiration of the world.

That system which has outstripped canals, and ruined their stocks in England; and that system which will supersede canals here, as well as all other systems of the kind, which have been devised by human ingenuity—yes, sir, the honorable gentleman from Virginia [MR. MERCER] must hear the appalling, the heart-rending fact, that this mighty monument, (Chesapeake and Ohio Canal,) which, for years, he has been laboring with a zeal and exertion to erect to his memory, and which, no doubt, he had fondly hoped would transmit his name down to the latest posterity, must fall, and must give place to the superior improvement of railroads. I could sympathise with that gentle-

man, if I did not believe that a remedy is within his reach; that is, to give up his exploded canal system, and embrace the railroad plan; and a most happy opportunity now awaits him. Let him unite the interest of the company over which he now presides, with that of the Baltimore and Ohio Railroad Company, and, by a unity of action and community of feeling, they will find their interests mutually advanced, and the most happy results growing out of the arrangement. I hope I shall be pardoned for this digression. But let me ask the honorable chairman who introduced this bill, [MR. HEMPHILL] how he can reconcile it to his vast notions of grand and magnificent internal improvements, and the resources and capacity of this Government to prosecute them, to an indefinite extent, as he set forth in his speech? But what is more, how can he reconcile it to himself, to fall so far behind the advance of the age in improvements, as to propose an "earthen" road as a means to facilitate commerce, and promote the "common defence and the general welfare?" Now, if the gentleman had proposed a plan for the construction of a railroad, on some plan commensurate with the greatness and resources of this nation, there would have been some plausibility in his arguments. But, upon what have we heard his beautiful theories and high wrought figures exhausted? Why, upon an earthen road—a road of mud, liable to be washed by every shower, and subject to the vicissitudes and casualties incident to every season.

Before I take leave of this branch of the subject, I ask leave to read a brief passage from the report of the engineers; we shall then be able to judge of their views as to the commercial importance of this road.

I read from the report of the engineers, which may be found in the 9th volume of Executive papers, session of 1825-1826, document 156, page 22. "In relation to external commerce," say the engineers, "it appears to us that a road from Washington city to New Orleans will not afford, as to transportation, advantages of national importance; for the road will cross generally all the main water-courses perpendicular to the coast; and in the directions and by means of which all the transportations are effective which relate to operations of external commerce."

"However, we have remarked in the foregoing part of this report, that the main watercourses were crossed by the eastern route at the head of sloop navigation, and by the middle route at the head of boat navigation, therefore a road in the direction of either will accommodate the districts through which it passes, for the transportation of their products to the navigable streams. Under this local (mark the words, gentlemen, local, not general) point of view, the external commerce will become benefited to a certain extent," &c.

Thus we see that, in the view of the engineers, this road would not ensure benefits general in their character, but such as are merely local; and even that, no further than to afford districts through which it may pass the advantage of transporting their produce to the navigable streams.

This being the case, is there any one who will press the application of the national treasure (which should never be disbursed only with a view to national objects, wherein all the parts are equally benefited) to purposes local in their character, and that to a limited extent? It would be merging the "general welfare" into local welfare, and, against all principle, the greater into the lesser.

Next in order are "political considerations." I shall be brief upon this branch of the subject, as there is only one prominent consideration, in a political point of view, which can be urged, which is, that roads and canals will operate as bonds of union, and more strongly cement us together, and prevent a falling off of the parts. Without stopping to controvert the correctness of the position, it certainly presupposes one of two things: either that there is a disposition in the States to fly off from the centre, or a re-

pulsive action at the centre to throw them off, and hence the necessity of these additional bonds of union.

Nothing, in my opinion, is to be apprehended from the former; would to God I could say so much for the latter? If ever the calamities of disunion should be experienced by this nation, the causes, proximate and remote, will be traced to the action of the Federal Government.

The mismanagement of this central machinery, so beautiful in its conception, and so perfect in its structure, and which worked so harmoniously whilst kept within the legitimate sphere prescribed by those rules expressly laid down for the government of its action, will alone produce those fatal consequences. By overleaping here the constitutional boundaries so clearly defined, by throwing the whole machinery out of gear, and giving a looseness to our operations, propelled on by the force of combined interests, composing a majority, against a minority, the latter will be compelled to take refuge under the old relation in which the States stood to each other; that of separate, distinct, and independent sovereignty. The States themselves will cling to the Union whilst there is a hope left to rest on; the oppressions of this Federal Government can alone drive them off.

Perhaps if there were ever a crisis in the affairs of our Government which required additional bonds to hold us together, that crisis is now at hand. But if this road is to be the remedy, the committee have certainly mistaken its proper location. Western Virginia and Eastern Tennessee are not about to fly off from the Union, and therefore do not require this work; if danger is to be apprehended, it is from another quarter. The South is the point to which we should direct our attention. Certainly every political consideration would direct us to the metropolitan route. We must encircle South Carolina with some band, or she, from report, will be off at a "tangent," and that suddenly. But let me seriously ask of every member of this committee, what stronger bonds of union do freemen need, or the States require, than those forged out, wrought, and put in order by the master workmen of the revolution? Link connecting link, forming a chain of Government more beautiful in its principles, and beneficial in its results, (whilst acting within the limits of the original design,) than any ever devised by the wisdom of man. What was this design? It was, that all the parts should share in equal proportion the benefits or injuries resulting from the compact; a perfect reciprocity was to be observed and preserved. Under a strict observance of those sacred principles, sir, what have we to fear? I answer nothing, either from external or internal causes. If fears are to be entertained, they are upon the other side of the question; and let me here admonish gentlemen who are seeking to provide additional bonds of union, by cutting canals and constructing roads, to beware lest they by their operations cut the ligaments of the constitution which now binds us together, and which forms the only sure and certain ties by which we can remain united. No political consideration, therefore, in my opinion, does require the construction of this road; but, on the contrary, eminently demands the rejection of the bill.

"Military considerations" are the next in order, and to which I shall ask the attention of the committee.

The honorable chairman [Mr. HEMPHILL] set out by telling us that the two points to which this road is contemplated to be run, are dangerously situated, and eminently exposed in case of invasion, &c., and that this is important as a military road for the transportation of troops and munitions of war. With regard to the exposed situation of New Orleans, I beg leave to differ entirely with the honorable chairman. As to Buffalo, I know but very little about it; nor have I sought to know, because I looked upon that end of the road as having been tacked on by the committee, nearly as a means of buying up votes, and not that the necessity of the nation required the work. I shall leave that end, therefore, in the hands of others.

So far from New Orleans being in an exposed situation, I do say, and I say it without the fear of contradiction, that it is the most strongly fortified place in the nation. Every pass leading from the Gulf of Mexico to the city, is well secured by the best and most costly fortifications. There are no less than five forts (I believe I am not mistaken in the number; if I am, the gentleman from Louisiana [Mr. WHITE] will correct me) erected for the security of that city against maritime or other invasion from the Gulf. These forts are capable of mounting some hundred pieces of ordnance, at least enough to sink any fleet that would ever attempt a passage up the Mississippi to the city. We have already expended near two millions of dollars in defending the territory of Louisiana by permanent fortifications, and estimates are now before us for a continuation of those works.

The following is a statement of those expenditures, politely furnished at my request by a gentleman of the Engineer Department. (Mr. C. then read the following letter:)

"To the Hon. S. P. CARSON,
House of Representatives:

DEAR SIR: The following statement will show you pretty nearly the cost of defending the territory of Louisiana by permanent fortifications, viz.

Fort Wood, at the Chef Menteur Pass,	\$ 411,673 11
Fort Pike, at the Rigolets Pass,	359,393 14
Fort Jackson, Plaquemine Bend,	624,064 53
Battery at Bayou Bienvenue,	96,447 80
Tower at Bayou Dupre,	16,677 41
Amount appropriated,	1,508,255 99
Add for a fort on Grand Terre, Barataria, estimated at	264,517 52
For a fort, in place of Fort St. Philip, at Plaquemine Bend, estimated at	77,810 79
	\$ 1,850,584 30"

The estimate for one of those works, (Fort Jackson,) for the present year, is eighty-five thousand dollars. Thus we see, sir, that the attention of the Government has been directed to the defence and protection of that point, and that the fact, as stated by the honorable chairman who introduced this bill, with regard to the "exposed situation" of that city, does not exist. Now, as regards the necessity of this road for the transportation of troops and munitions of war, I here take upon myself the responsibility of pronouncing, although in contradiction to the position of the gentleman who introduced the bill, [Mr. HEMPHILL] that no such necessity exists; and I further say, that it would not only be idle, but the extreme of folly, to expend money upon this road with a view to military advantages.

What say gentlemen who urge this branch of the subject? Why, "that New Orleans must always look to Tennessee, Kentucky, Ohio, &c. for men and provisions to protect and feed them in time of war." Well, I grant this; but what further do they urge? Why, "that this road must be made to transport these troops and provisions upon." Now can it be possible that any man, in his sober senses, and under the influence of reason, can, for one moment, entertain the belief that, if this road were made, even one soldier or solitary barrel of provisions, from Tennessee, Kentucky, Ohio, or any other State north of those, would travel over it? What! bring men from the State of Ohio across the States of Kentucky and Tennessee? Aye, and across the Ohio river, too, with its current teeming with steamboats, ready to waft the soldiers and provisions to the point of destination. But no, they must trudge through the muds of Kentucky and Tennessee, by marches of from ten to fifteen miles per day, till they in-

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tersect this road (after crossing navigable and inviting rivers) at Florence, Alabama; and then they will have the peculiar advantage of travelling this superb national earth-road from thence to New Orleans.

I invite gentlemen who think despatch and saving of time important in military operations, to calculate how long it would take troops to get to New Orleans by this "national road" from Tennessee, Kentucky, Ohio, &c., and compare it with the ease, convenience, and despatch, afforded by steam power on the navigable rivers which pass through those States and empty into the Mississippi. It cannot be denied that troops from any part of Kentucky or Ohio could get to New Orleans by steamboat conveyance before they could reach Florence, in Alabama, the point of intersection with this road. Under this view of the case, the positions laid down by the honorable chairman, [Mr. HEMPHILL] with regard to the "exposed condition" of New Orleans, and the necessity of this road as affording means of defence, fall to the ground, and the whole superstructure of argument based upon them falls also.

If further arguments were necessary to show the impropriety, nay, the excessive folly, of making this road for military purposes, they would be found by a recurrence to the history of our last war, particularly in the operations in the southern section of the Union. There was a time when New Orleans was "dangerously situated and eminently exposed;" there was a time, sir, when that city was invaded by a powerful and well disciplined army; an army, too, stimulated to action by the "booty and beauty" which were promised them. This was a case of great emergency—this was a time of deep and dreadful anxiety; but sufficient for the occasion were the spirits convened, and hastily convened, for the defence of the city. Yes, an army was convened, defeated the enemy, and saved New Orleans. What military road, made at vast expense of time and treasure, were those troops transported over? None; yet they got to New Orleans, fought the battles of their country, and got home again; and thus will it be ever; this country will always find security in the strong arm of her "citizen soldiers." Dangers may stand thick around them; they only stimulate to exertion. The noblest deeds are done upon the most dangerous emergencies, and the glory of achieving them is the strongest incentive to action. Need I say more? Does the history of all ages that have gone before us, present a solitary example of a nation, at peace with the world, and whose policy it is to cultivate and maintain those pacific relations, preparing for the transportation of troops by large expenditures of public money for the construction of roads in this time of profound peace? But, on the contrary, does not all history prove that the first generals the world has produced, asked not roads over which to transport troops for the advancement of their military operations? Let me ask, what engineers designated the route, or what nation appropriated the funds, to construct a passage over the Alps for Hannibal and his Carthaginians, when he pushed his conquests to the very walls of Rome? Or who directed Cæsar to the point at which to pass the Rubicon, when he pronounced that "the die was cast," and struck the fatal blow at the liberties of his country?

But to come down to the present time—to things which transpired but yesterday, on the other side of the water. Did Nicholas tax his subjects to raise a revenue to open those passes through the Balkan, over which Diebitsch led that army which shook the Ottoman empire to its centre? and which, had they not been stopped by pacific measures, and, I might add, by the interposition of other European powers, jealous of the rising greatness and resources of the Russian empire, the christian flag would this day have been waving on the walls of Constantinople? It is by the energy of powerful minds and capable commanders, that armies are led to victory and glorious achievements; not

by roads, for they might lead to defeat as well as victory. And here let me remark that those facilities to military operations are always occupied by the strongest; and such a work might prove a curse, instead of a blessing, (as was proven, said a gentleman standing near Mr. CARSON [Mr. DAVIS, of South Carolina] upon the Bladensburg course last war.) Yes, [resumed Mr. C.] but I would rather lose the argument afforded by the mention of that disagreeable subject, than wound the pride of the House by recalling their recollection to it.

The "transportation of the mail" is the next and last consideration to which I shall ask the attention of the committee.

I feel that my strength is failing me too much to go into this branch of the subject to the extent I had desired. I will lay it down as my opinion, however, that the framers of the constitution did not intend, by the words "establish post offices and post roads," to confer the power to construct roads, &c., but only meant that Congress should designate the roads over which the mail should be carried, and the points at which it should be opened. I shall not attempt an argument, sir, to prove the correctness of this construction, but it being mine, it is sufficient to govern me.

The first inquiry which suggests itself with regard to the expediency of constructing this road for the transportation of the mail, is, does any necessity for impediment exist to the transportation of the mail, which requires the application of this sum of money to remove or remedy?

Has the Post Office Department complained of a want of facilities in this particular, and asked the construction of a road at our hands? Or have they even suggested the propriety of the appropriation of any sum of money for purposes of the kind?

They have not; but, upon the contrary, we are informed by the very able report of the distinguished gentleman who presides over that department, that the facilities are now ample, and will be increased as the means of the department will justify, or the public interest shall require. I ask the attention of the committee while I read part of that report, which treats of the very subject now under consideration.

[Mr. C. read the following extract from the report of the Postmaster General:]

"The mail communication between New Orleans and the seat of the General Government, by way of Mobile and Montgomery, in Alabama, and Augusta, in Georgia, will, from the commencement of the ensuing year, be effected three times a week, affording comfortable conveyances for travellers, and the whole trip performed in the period of two weeks, each way, through the capitals of Virginia, North Carolina, South Carolina, and Georgia.

"Lines of four-horse post coaches will also be established, from the first day of January next, to run three times a week, both ways, between Nashville and Memphis, in Tennessee. This improvement was deemed important to keep a regular and certain intercourse between the Western States and New Orleans—Memphis being a point on the Mississippi to which steamboats can come at all seasons of the year; it being contemplated to extend this line to New Orleans by steamboats, so soon as the means of the department will justify, and the public interest shall require it. To give greater utility to this improvement, a weekly line of coaches will also be established at the same time from Florence, in Alabama, (where it will connect with the line from Huntsville,) to Bolivar, in Tennessee, at which point it will form a junction with the line from Nashville to Memphis."

Now, what more can be required? Does not this report also prove that steam navigation will supersede roads for all purposes, wherever it can find water for the boats to run on? The despatch and quickness of steamboat passage from Memphis to New Orleans has drawn the attention of the Postmaster General to that point; and it is already

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viewed as the route which can be travelled with most expedition, because of the advantages of steam power. Does not this speak volumes against the expenditure of public money upon roads, when it must be manifest that they never would be travelled for the purposes pretended here as the strong reasons for constructing them? It may be possible that, with regard to despatch and saving of time, a direct road from this place to the Mississippi river, thence by steamboats to New Orleans, would be the best. But, taking this as granted, it does not prove the necessity of our constructing a road for the purpose. Roads are already made. The mail is now transported from this to Nashville, Tennessee, seven times a week, in post coaches, at a cost of upwards of thirty-four thousand dollars per annum; and this line, sir, as we see from the report just read, is to be continued three times a week to Memphis, and from thence to New Orleans by steamboats. What more is wanting? or what more, in modesty, can be asked?

I shall now turn my attention to the relative merits of the different routes; and, if this road is to be made, I think I can show the propriety of selecting the most direct, practicable route.

For all purposes, connected with the transportation of the mail, the saving of time, cost of construction, distance, &c., the most "direct, practicable route," as proposed by the amendment, I had the honor to lay upon your table some days since, and which was printed by order of the House, and which I shall offer to the committee before I take my seat; is certainly the preferable one.

I lay down, then, as incontrovertible facts, that the route I propose will be better, the cost of construction less, the distance less, and the number of inhabitants accommodated much greater.

Now, if I establish these positions, what member can refuse to vote for the amendment, whether he be for or against the bill?

The gentleman from Tennessee [Mr. ISACKS] has clearly established the correctness of my three first positions, (as to the goodness, cost, and distance,) and the engineers who made the reconnaissance of the different routes have proven the fourth, (the number of inhabitants to be accommodated.) The gentleman from Tennessee, [Mr. ISACKS] said (and I truly thank him for the argument) that on the east of the mountains we had a fine level surface; that nature, in her works, had been kind to us; we had nothing to do but throw up a little sand, and we had fine roads, &c. With him, [he said] and his constituents, and the people along the route selected, it was very different; they had mountains and limestone to contend with, and natural obstructions, which required the hand of art to alter, and render them in a condition for the use and advantage of the country, &c. &c., and therefore the western route was the proper one. In answer to this argument, I have nothing to offer; the gentleman has granted all I ask--nay, more, sir, I did not intend to disparage his route, by portraying the lofty mountains and the quantities of limestone, which it would cost millions to make a road over, but only meant to urge, what cannot be denied, that the direct route is unquestionably the nearest; that the east side of the mountains afforded abundant materials for the construction of a road; that the surface was better, and the graduation more easy, than on the west side of the mountains; and that the cost of construction would be much less. The engineers support me in these positions; and what they have failed to do, has been abundantly supplied by the gentleman from Tennessee, [Mr. ISACKS.] With regard to the population, sir, to be accommodated by this road, I beg leave to read from the report of the engineers, (the same as before recited,) page 22:

"Leaving out the States (say the engineers) of Louisiana and Mississippi, and the District of Columbia, the States accommodated directly by the eastern and middle (or direct, as I propose) route will be (census of 1820)--

Virginia, the population of which is	1,065,336
North Carolina, do.	638,829
South Carolina, do.	502,741
Georgia, do.	340,989
Alabama, do.	127,901

Making	2,675,796
The States directly accommodated by the western route, will be	
Virginia, - - - -	1,065,336
Tennessee, - - - -	422,813
Alabama, - - - -	127,901

Making 1,616,050"

This shows a difference in favor of the direct route, of one million fifty nine thousand seven hundred and forty-six of a population to be accommodated by this road.

[Here Mr. BLAIR, of Tennessee, requested Mr. C. to read further from the report, with regard to the States that would be indirectly as well as directly accommodated.]

Mr. C. resumed. I am requested by my honorable friend from Tennessee, [Mr. B.] I say my friend, sir, because I know him to be so, to read further from this report. I will do so, and I assure my friend that due deference shall be paid to his route, (western route.)

"But (say the engineers) if we add Kentucky and Georgia, which will be indirectly accommodated by the western route, we shall have for the population accommodated, both directly and indirectly, by this route,

Virginia, - - - -	1,065,336
Tennessee, - - - -	422,813
Alabama, - - - -	127,901
Kentucky, - - - -	564,317
Georgia, - - - -	340,989

Total 2,521,386"

Now, even with the addition of the population of the State of Kentucky, which they say is to be indirectly accommodated, there is a balance still in favor of the direct route, of a population directly accommodated, of one hundred and fifty-four thousand four hundred and forty.

But why does my friend from Tennessee [Mr. BLAIR] press this indirect consideration upon the House? Does he not know, sir, that Kentucky cannot be benefited, either directly or indirectly, by this road? And does he not further know that the State of Kentucky would never have been mentioned, if it had not been to effect political results, favorable to the men in power when this report was made? Does my friend recollect who was Secretary of State at that time? and the exertions made to continue his influence and control over the State of Kentucky? Was not every branch of the "American system" brought to bear upon her, and particularly this branch of internal improvement?

Those were the causes which produced this report, or the name of Kentucky would never have been mentioned. But the times were dangerous, the "line of safe precedent" was threatened, and every nerve was exerted to arrest the blow; but all, all would not do; the line was broken, and it is matter of deep surprise to see those who gave their aid in producing the result, now using the same flimsy, futile, and disingenuous arguments which were resorted to by those persons, with a hope of continuing their power, merely to effect sectional objects, or with a view of producing benefits to themselves and their constituents.

The gentleman from Tennessee [Mr. BLAIR] also said that nothing had ever been done to advance the interests of his constituents, or his State, by this Government. The gentleman has surely forgotten that four hundred thousand acres of land in Alabama, equal to six hundred thousand dollars, were appropriated by this Government for the opening of a canal round the Muscle shoals, on the Ten-

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nessee river; and that the completion of that work would admit steam navigation into East Tennessee. One steamboat has already been (as I am informed) so high up the Holston as a place called the Boat Yard, which is the district of my honorable friend, [Mr. BLAIR.]

[Mr. B. here corrected Mr. C. and said the boat had only ascended as high as Knoxville.]

I thank the gentleman for the correction. I had mistaken the point, but it does not weaken the argument; for the streams leading from the district represented by that gentleman to Knoxville are navigable, and boats are daily passing them. I heard a fact stated the other day, by a highly intelligent gentleman who resides near Abingdon, Virginia, while conversing with the Vice President and some other gentlemen, "that he had started at one time forty boats, each containing one hundred barrels of salt, from a point on the north fork of the Holston river, fifteen miles above Abingdon, which salt was probably to supply North Alabama, and part of Tennessee. I mention this fact, as an answer to that part of the argument of the gentleman from Tennessee, which related to the transportation of salt from the salt wells in Virginia. Certainly, if this road were made, no one would think of transporting salt by wagons, incurring the expense of teams, &c. which could not haul more than ten barrels at most, when they could send one hundred barrels by one boat. But why talk of those considerations which are merely sectional in their character? They should have no bearing in this case, if, indeed, the work is national. But, who will say, after witnessing the whole proceeding of the committee which introduced this bill, that national considerations were the causes which induced them to report this bill, and to make the selection they have done for the location of the road?

National considerations have nothing to do with it; it is the offspring of a combination, based upon local considerations, for the accommodation of gentlemen who compose part of the committee, and through whose districts this road is to run; and the location fixed on was for their accommodation, not for the nation. Yet we are called on now to appropriate millions of the public money (two million two hundred and twenty-five thousand dollars is the sum wanted for the present) to promote the interests of certain sections of the country, and to subserve the views of combined interests upon this floor. I say combined; and, if any have doubted the fact before, has not the introduction of this bill, for a lateral route, leading from "Zanesville, Ohio, to pass through Lexington, Kentucky, Nashville, Tennessee, and to intersect this road at Florence, Alabama," put the seal upon the arrangement, and developed the matter, in bold relief, before every eye not blinded by interest or other motive?

But look who compose the committee who produced these bills. See the States they are from, and the sections of States they represent;* then couple the routes and circumstances together, and tell me if there is room left to entertain a doubt as to the causes which have produced the effect. I will push this subject of combination no further, lest the feelings of some personal friends might not escape unscathed. I desist, therefore, not that I fear the contest, or doubt the results, but for the reason just mentioned.

I have endeavored to show that the considerations urged by the supporters of this bill did not exist, or at least did not exist to that extent which required at our hands the application of the public money. How far I have suc-

ceeded in my feeble effort, I must leave to be decided by those who have been so indulgent as to favor me with a hearing.

But, above all the reasons which have been urged against the expenditure of public money at this time, is there not yet another, which should sink deep upon the minds of the friends and supporters of our present illustrious Chief Magistrate? Does he not stand pledged to this nation to pay off the public debt, and to exhibit the proud and sublime spectacle to the world, of a nation out of debt; which, indeed, sir, would be "something new under the sun"—and was he not pledged by his friends, in anticipation, to effect this desirable, this important object? What said they, sir? Why, elect the plain, old republican, Andrew Jackson; he will bring "order out of chaos;" he will restore republican simplicity; will pay off the national debt, and relieve us from the necessities of high tariffs, &c. And what are those very men doing, who were foremost in exciting those expectations, and pledging him for those results? Why, sir, we now see them willing, nay, urgent, to squander millions of money, because perchance their immediate districts may receive some little benefit. In my opinion, if ever there was a man anxiously desirous to fulfil the just expectations of his friends, and to advance the general interest of this nation, Andrew Jackson is that man. But, if we go on in the manner we have started, how can he discharge those obligations, and meet the expectations of the American people?

Is not every dollar which we appropriate beyond the current expenses of the year, so much of the money which would otherwise go to the payment of the debt of the nation? If we appropriate these two millions and a quarter, where will the surplus be, or where any money, except the sinking fund, to apply to the payment of our public debt? Nay, the sinking fund, also, is to be broken in upon; that sacred guaranty, pledged to the creditors of the nation, must be taken also, and distributed among the States for purposes of education. [Here Mr. ISACKS said he was not aware of any such intention on the part of any one.] Mr. C. resumed: I allude to the resolution passed by this House, instructing a committee to bring in a bill for the distribution of the net proceeds of the sale of public lands among the States for purposes of education; and those lands were solemnly pledged by this Government to its creditors, and belong to the sinking fund, and should not be touched till every farthing of the obligation is discharged.

[Mr. ISACKS said he did not vote for the resolution.]

Nor did I charge the gentleman. I only speak of what is going on, and the effect it will have upon the administration; and I must further tell the gentlemen from Tennessee [Messrs. BLAIR and ISACKS] that if they desired (which I know they do not) to ruin and blast forever the hard-earned fame of that best of men, who, upon all occasions, has proven his disinterested devotion to his country and to his friends, they could not have fallen upon a better plan than this, of appropriating money, leaving him powerless, and without the means of doing that which he stands pledged to do.

Are they prepared to hear him exclaim, as did Cæsar, (when he was struck by, as he thought, his best friend,) "and you, too, my son?" Will they bind him in fetters, and leave him, mangled and bleeding, to the mercy of his political enemies, who would glory in the spectacle? If I believed them prepared for this, the line of separation should be eternally drawn between them and me. I supported the election of General Jackson; because I believed him honest and meritorious, and I shall support his administration, because now I know him to be so; and he will realize the expectations of his friends throughout the nation, if his friends here, by their misguided policy, do not prevent him. My strength has failed me; I am done. I only ask leave to tender my thanks to the

* The Committee on Internal Improvements is composed of Messrs. Hemphill, of Pennsylvania, chairman, Blair, of Tennessee, Haynes, of Georgia, Letcher, of Kentucky, Vinton, of Ohio, Craig, of Virginia, and Butman, of Maine.

This route passes directly through the districts represented by Craig, of Virginia, and Blair, of Tennessee. The lateral route from Zanesville, Ohio, and passing through Kentucky, is Messrs. Vinton and Letcher's part of the system. The Buffalo end passes through Pennsylvania, the State which the honorable chairman, Mr. Hemphill, is from.—Note by Mr. C.

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committee, and to offer the amendment which is on your table.

Mr. CRAIG said, he should play the hypocrite were he to attempt to disguise the interest he felt in the bill under consideration. Many of the people whom I represent [said Mr. C.] have a deep and direct interest in the road which it proposes to establish; and if, under existing circumstances, I did not give it my humble support, I should feel a conscious conviction of misrepresenting their interests, and of betraying the trust with which they have honored me.

The representative, according to my political creed, is bound, in all cases, except where the constitution interposes barriers, in this or any other body, to reflect the wishes and interests of his constituents, and not his own individual views. To do this is happily felt by me not to be less a duty than a pleasure.

Although I am one of those who construe the constitution as denying to Congress a general right to make roads, even though their extent invests them with the characteristics of nationality, yet the peculiar combination of circumstances which exists in relation to this subject, at this time, rids my mind of all scruples upon this point.

The constitutionality of the measure, as I conceive it, is not now involved. The question is not whether Congress possesses, under the constitution, power to make this road; but it is, more properly, has Congress a right to re-distribute the surplus money in its treasury, beyond what may be necessary to defray the ordinary expenses of the Government, and what may be applied to the extinguishment of the national debt, among the people of the Union?

A little reflection will satisfy you, sir, that the appropriation of money involved in this bill is an evil (if it be an evil, as some apprehend it to be) which has its root in the existing revenue system. So long as the present tariff of duties is maintained, it is manifest that we shall find in our treasury a large annual residuum, after all ordinary appropriations have been made. And who can doubt, after what has occurred here, in this session of Congress, that it is the fixed determination of a majority of this body, and, by inference, the determination of a majority of the people of the United States, to persist in the existing tariff system? The question, then, unavoidably occurs, what disposition ought to be made of this surplus money? Surely no one will contend that it ought to lie rusting in our coffers; none will contend that, after it has gotten there, the constitution will require it to remain there. And to what use shall we appropriate it? Can we appropriate it to any more valuable use than to internal improvements?

I would myself have preferred that this surplus of revenue should have been apportioned out amongst the several States, according to their population, for purposes of internal improvement; but in this we, who construe the constitution rigidly, are opposed by a majority. Congress now, as to all practical effects, possesses the power to appropriate the money of the public treasury to objects of internal improvement, as fully as if the constitution, in so many words, gave that power. Nor has this power been dormant. It has been exerted in a variety of instances.

The money collected into the public treasury from imports, &c. belongs to the people in the mass; and it becomes our duty to return it to them by that mode that will most equally distribute it among them, and, at the same time, effect for them the greatest general good. In no way, does it seem to me, can this end be more advantageously attained, than by expending it upon a work like that proposed in the bill under consideration. The road will extend from the northern to the southern extremity of the Union, and, as a road, will accommodate a vast proportion of its citizens; besides, the money expended in making it will be as generally scattered among the people as it could be by being appropriated to any object or improvement

whatever. It is utterly impossible, after having collected by taxation a sum of money from the people, ever to return it to them again individually, in the proportion in which it was taken from them. The nearest approach that can be made to such a distribution is to be effected by throwing it into general circulation, and leaving it to the influence of individual enterprise to control its particular destination. It seems to me, then, that we cannot adopt a better policy, at this time, than to put it to general circulation a few hundred thousand dollars annually of the people's money, by constructing with it, for their accommodation, this great national road. You will then have the pleasure of reflecting that you have returned to them not only their money, but, along with it, a great national improvement. And here, sir, the question is not unworthy your most serious reflection, how far this capital, thus collected and thus expended, will have suffered diminution when it returns again to its legitimate channels of circulation among the people. Will it have suffered any diminution? As I view the subject, it will not. Then, if it will not have suffered any diminution, is it not a fair deduction that the road will be a clear gain to the people?

The policy of a nation, in regard to its pecuniary funds, is very different, in some important particulars, from that of an individual person. It is the policy of a nation to have on hand no greater capital than is sufficient for the emergencies of the time—it is the policy of individual persons to augment their funds as much as possible. The wealth of an individual depends upon himself—the wealth of a nation depends upon the wealth of its citizens; and whether capital be in the private pockets of the citizens, or in the public treasury, it is alike the capital of the nation. Now, if, without occasioning any sensible inconvenience or distress to the people composing the body politic, a sum of money can be drawn from them in the course of a few years, sufficient to produce a work of great national benefit, a work of the advantages of which thousands of your citizens will be highly sensible, what sound objection, upon the score of policy, can be urged against the execution of such a plan?

There have been, for many years past, large annual balances in the treasury, which have been, to the nation and the people, dead capital. On the first day of January, 1828, there was in the treasury an unexpended balance of six million six hundred and sixty-eight thousand two hundred and eighty-six dollars and ten cents; on the first day of January, 1829, there was a balance of five million nine hundred and seventy-two thousand four hundred and thirty-five dollars and eighty-one cents; on the first day of January, 1830, there was a balance of four million four hundred and ten thousand and seventy-one dollars and sixty-nine cents; and, on the first of January, 1831, according to the estimates of the Secretary of the Treasury, there will be a balance of four million four hundred and ninety-four thousand five hundred and forty-five dollars and two cents. Now, sir, it strikes my mind, if Congress had commenced this road four, five, or six years ago, it might, before now, have been finished; and yet no portion of the people would have been sensible of the least pecuniary loss or pressure. And now, sir, if you proceed to its construction, what pecuniary embarrassments can you expect to encounter? The whole sum estimated as necessary to complete the road is considerably short of the balance which, it is believed, will be in the treasury on the first of January next, and which must be regarded as dead capital, if not employed. What mischief, I ask, will you do? What injury to the people, or any portion of the people, will you do, by appropriating a part, or even the whole, of this balance to the construction of an improvement so valuable as that proposed by this bill will be?

But, sir, I have not yet presented this subject in its most flattering point of view, in reference to the resources of the nation. It should not escape reflection, that in five or

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six years from this time at most, the annual balance in the treasury will rise from four, five, or six millions, to ten or twelve, or, if the tariff of duties should be reduced to such a standard as that no one could complain of it as oppressive, to a steady balance, as I believe, of from five to eight millions. When our revenue shall thus overflow, which will certainly be the case after the extinguishment of the national debt, what course of policy shall be pursued? Will it be constitutional or expedient that a portion of the people should sit still and obstinately refuse to participate in the excess of revenue, because it was collected in a manner they did not approve?

But gentlemen say, let us prevent this unnecessary accumulation of revenue, by a reduction of the tariff of import duties, &c. Sir, it should be remembered that this tariff is suspended upon another interest, the manufacturing interest, which influences a majority of the people of the United States to continue it as a system of protection to manufactures; and, I confess, I do not see any symptoms to justify the opinion that it will be abandoned. This protecting system may, from its over-tension and consequent inaptitude to an infant and agricultural community, break down; but I am persuaded, from what I have seen here this session, that it is the determination of a large majority of the people of the United States to adhere to it.

There is another reflection which intrudes itself here, and is not to be disregarded. It is this: However justly the people of the South may hope for an amelioration of the present tariff, it were too much to expect a total abandonment by the Government of those interests which were brought into existence and nurtured by its own patronage. To abandon them suddenly to the storm of foreign competition, would be an act alike marked with cruelty and injustice, and might be justly reprobated as an act of bad faith on the part of the Government. Do not understand me here as advocating the tariff system to the extent to which it has been carried. By no means; I mean only to say that the Government, having induced the citizen, by holding out protection to such investment, to invest his capital in manufacturing operations, is bound, in good faith, if it shall find it expedient to abandon the policy, to recede from it gradually, at least so gradually as to give the capital thus employed time to seek new and more advantageous channels.

For my own part, I have always thought that the constitution was never intended to confer upon Congress the right to protect manufactures by revenue regulations, further than that protection might be incidentally afforded by the operation of a tariff of duties intended to raise a revenue for the purposes specified in the constitution. But I find myself, in relation to the tariff and internal improvements, in the situation of a mariner who is borne away by a storm which he cannot resist. Although he may be driving with the speed of the wind in a direction exactly opposite to that to which he should go to gain his destined port; yet, if he be skilful, he will not be found idly fighting against the wind and tide, but he will yield to the power, and thus acquire a velocity greater than the current; by which means his bark is made obedient to her helm, and he is enabled, in some measure, to direct her course. Here, sir, although I cannot control the circumstances and events which surround and pass me, yet, by falling into the current with them, and yielding myself in some degree to their control, I may, possibly, aided by others of similar views, give them another and better direction, in my opinion, than they would otherwise have taken.

By voting for this bill, it may happen that an expenditure of money will be made, advantageous to the country, in the welfare of which I am more directly interested, and that an improvement will be effected, which will directly diffuse its benefits through it. And I know that, to the nation, nothing in the form of money will be lost,

by appropriating three, four, or six millions of dollars to this road; because, it cannot be denied, that, if the surplus money of the treasury be not appropriated to this object, it will be appropriated to some other, perhaps, of less national value; so that, at last, the whole effect of voting for this bill will but tend to decide the choice of Congress in favor of this over many objects, some of which are destined inevitably to absorb your surplus funds. If we, in the South, will not take your offered favor, others, less fastidious, in other sections, will.

I am not disposed; because the world will not go on precisely as I could wish; to fall out with it, and turn cynic. On the contrary, I find it to be the easiest and the best policy, generally, to conform in some degree to that uncontrollable state of things which I find around me. I have no idea of denying myself a fair participation in the blessings of this Government, because every thing is not done according to my notions of sound policy and constitutionality. It would be too much to expect that my opinions should rule in all things. I can estimate the respect which I owe to the opinions of other gentlemen, by the respect which I would claim for my own.

Whenever a people become so dissatisfied with their Government as to refuse to accept its benefits when tendered to them, they or their Government must be in gross error. If the Government be in such error, (a condition which cannot be induced without corruption,) it should be reformed at all hazards. If the people, or a part of them, be thus in error, the cure is to be expected from their own sobered reflections.

It has been intimated here, and elsewhere, that the people are, in some sections of the country, in such a state of inquietude as to endanger the Union. In relation to this intimation, I can only speak for those whom I know, or think I know. I cannot believe that there is any portion of the Virginians, much as I have heard since I came here of the nullifying doctrine, who meditate a dissolution of the Union, or who would not deprecate it as the severest calamity. Sir, I think I know the temper of Virginia upon this subject. I have had many opportunities to know it; and I may say, that, so far from harboring any wish adverse to the Union, her sons would be among the first, if danger threatened, to rally round its sacred standard. Nor can I do my fellow-citizens of South Carolina, to whom allusion has been made in this debate, the injustice to believe that her sons cherish any such design. It may be thought extravagant, after what we have witnessed in the other branch of Congress during the present session, but I do not hesitate to say it, as my opinion, that the approach of danger to the Union—the common palladium of their liberties—would again unite even old Massachusetts and South Carolina in those strong bonds of affection which held them together in the struggle for independence.

Go among the common people, who form the body and strength of your community, and I shall be much deceived if you do not hear another than the language of disunion, even in the South. The heated politician is not at all times to be regarded as affording fair indications of the temper of even the people among whom he resides. His inflammation is very often personal, and therefore does not threaten imminent danger to the Union. Indeed, I believe much less is meant, generally, in relation to this subject, than the language used would seem to import. It may be, and I think sometimes is, intended merely to deter from the prosecution of disagreeable measures.

Permit me here to bespeak your reflections upon these questions. If the Government, at any time, shall have engaged in a system of measures which some of us may, perchance, think impolitic or unconstitutional, will we, who think thus of that system, be justified in thwarting all its operations, and in rendering it, as much as possible, productive of bad instead of good effects? or will it be

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come our duty, when we, being the minority, can no longer, with any hope of success, resist the establishment of that system, to give it such a direction and such an operation, as to make it productive of the greatest public good? I do not, myself, hesitate about the answer which, in my humble judgment, ought to be given to these questions. Certainly, if, as I believe to be true upon our principles of government, the majority have the right to rule, and, consequently, a right to settle the policy of the Government, the minority are bound to lend their aid in producing the best results from any system which the majority may adopt. I do not mean to include extreme cases—such as can only exist under the influence of corruption. It is, I admit, right enough that the opponent of any system should, upon every occasion involving its propriety, directly vote to abandon it. But this, it seems to me, does not imply that it is prudent or proper to oppose every incidental measure which may grow out of it. To illustrate my idea by the very case under discussion: if the internal improvement system is to be maintained, it is proper that those who oppose it should aid in selecting the most advantageous objects of its action, and, of course, keep back those less advantageous.

I hold, sir, that the adoption of an error may make that right, which would otherwise have been wrong; or, to speak perhaps with more precision, that may be rightfully done, as resulting out of a previous error, which, if that error had not been committed, would never have arisen to be done.

I have nothing to do, in this argument, with the ulterior and unalienable right of any people to resist oppression, when they may choose no longer to endure it.

I have said that I gave such a construction to the constitution, as denies to Congress the right to make internal improvements; and have endeavored to justify myself for voting for this bill, upon the ground that that power exists in fact, (a large majority of this House, and, by inference, of the people, being for it,) and, as to all practical effects, as fully as if the constitution was without the shadow of a doubt upon the subject; and because, by so voting, I do nothing more, and intend to do nothing more, than to give a preference to this object over the many that are proposed; not doubting, as there is no room to doubt, that whether this bill pass or not, internal improvements will be carried on under this Government commensurate with its means. In this operation of my judgment, I assume to be my own casuist. My conscience is quiet.

The policy of protecting manufactures by high duties on imports, begets the necessity of creating some system of policy for the consumption of the money arising from that source. I am not chargeable with the tariff system. I found it fully established when I came here; and have since lent the aid of my vote, at three different times, for a modification of its provisions. We all know the result. I, and those who voted with me, found ourselves in a minority. What, under such circumstances, ought we to do? We cannot, reasonably, expect the majority to sacrifice their opinions to ours. It would be the merest arrogance in me to assume infallibility for my opinions. I can see no just line of conduct but to acquiesce. I am, as I have said, opposed to the tariff of 1828; but I cannot see, in justice, in reason, in conscience, why the people whom I represent, as they bear their share of its burdens, should not have their share of its profits. I do not see the line between submission to the majority, and what tends to a dissolution of the Government.

A disposition has been manifested, in this discussion, to waive the question of constitutionality, and to rest the claims of this bill upon the grounds of expediency. Such has been the course pursued by my intelligent and eloquent colleague, [Mr. P. P. BARBOUR.]

And here, sir, before I meet my colleague upon this ground, I request to be indulged in a few brief reflections

upon the policy of confiding to the General Government the power to construct works of national improvement.

Although I cannot, as I have already said, see in the language of the constitution any satisfactory authority for the exercise of this power, yet I am unable to discover any good reason why this power, under well defined limitations, should not be confided to it. The mere power to make roads, canals, &c. has in it, as I conceive, no dangerous tendency whatever. The probability that such a power would benefit the States is a thousand fold that of the probability that it would injure them. The danger consists in the retention of jurisdiction over these works after they are made, not in making them. With this view of the subject, it is my present impression, that, if I were now sitting in convention, for the purpose of amending the constitution, I would vote to confer this power, limiting it to the making of the work. I would do so, as at present persuaded, for another, and perhaps more powerful reason. It consists in this: the States have, for obvious and imperious reasons, surrendered the entire regulation of their commerce to this Government; and thus have surrendered the richest and by far the most convenient and least oppressive sources of revenue. I should not, therefore, think it at all unwise to require of the General Government, in times, like the present, of extraordinary prosperity, that a fair proportion of the means derived from these sources should be made available to the States in internal improvements, or in education, where the preference might be given to that object.

The States, being dependant for their means upon direct taxation, can never effect great improvements but by producing uneasiness amongst their citizens. The United States, through their custom-houses, can collect from the people millions, by a process so magical, that the people will be wholly insensible of having paid them. And thus it would seem that, as the means of the United States are much more ample than those of the individual States, the United States ought to have the power of employing them for the good of the States.

Indirect taxation, as a mode of raising revenue, is preferable to direct taxation, not only because all classes of citizens feel the operation of the former less than the latter, but because, under the former mode, the rich citizens are sure to pay their just proportion of the revenue. They, having the ability to do so, will consume vastly more of those articles which bear heavy duties than the poorer citizens.

Under a system of indirect taxation, a person may resort to his prudence—to abstinence—for an amelioration of its burdens. He may, if he choose, abstain wholly from the use of wine, cogniac, tea, and various other articles in which the rich may choose to indulge, without materially impairing his comforts, and thus avoid subjection to a large proportion of indirect tax.

The proposition is generally true, that actual consumption is measured by the ability to consume; and as the ability is enlarged or diminished, actual consumption is increased or diminished.

Having made these remarks, I will now endeavor to answer some of the arguments used by my colleague [Mr. P. P. BARBOUR] for the purpose of showing that it is inexpedient to make the proposed road. I am sorry that this gentleman, and that other gentlemen should, on account of their opposition to it, have thought it necessary to undervalue this road. Sir, if we are to give full credit to their arguments, we could not resist the conclusion, that, if this road would not be indeed a national evil, it would be, at least, useless. The warmth of opposition, I must think, has carried gentlemen too far. The utility of this road is not to be seriously denied by any whose situation enables them properly to estimate it.

The honorable gentleman from North Carolina [Mr. CARSON] has advanced the opinion that it will not be

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even an indirect accommodation to the people of Kentucky. My situation enables me to correct this misapprehension. I live directly upon the track along which it is proposed to construct this road; and I do know that many Kentuckians do, yearly, use this track, and that great quantities of stock are taken along it from that State to the interior of Virginia, and sometimes to Pennsylvania.

My colleague [MR. BARBOUR] asked, will this road be of any commercial advantage? It will run, [said he] a great part of its way, between the waters which flow to the East and the waters which flow to the West, crossing some of them near their head springs, at right angles; and almost in the same breath said, that if the road ran parallel with any of these navigable waters, it would be still of less commercial importance. To what does this argument amount, except to this: that although the road is most judiciously located, in reference to the interior navigation of the country, yet it is wholly useless. Who can believe this? What country was ever so situated as not to feel the advantage of good roads. The gentleman here, as indeed throughout, seems to have been under the influence of feelings excited by the warmth of his opposition.

The gentleman next intimated that the estimate of expense in the bill was far too low; that the road would, more probably, cost ten or twelve millions of dollars, than two and a quarter millions. Now, in answer to this remark, I have only to say, that, whilst it is undeniably true that ten or twelve millions will make a better road than two and a quarter millions, it is equally true that two and a quarter millions will make a very good road. Again, the expenditure of two and a quarter millions upon this road will not, as insinuated, lay Congress under any obligation to expend a further sum upon it. But if the prosperous state of the treasury hereafter, combining with other circumstances, should make it expedient, Congress may, in its discretion, appropriate additional funds to that object. I cannot see that Congress may not, as I cannot foresee that it will be wrong to do so, at some future time, say fifty years hence, if you choose, cause the whole line of this road to be Macadamized.

The gentleman further said, that the interest upon the sum proposed to be expended upon this road is more than the whole cost of transporting the mail throughout the whole of its distance, and then drew the conclusion, that it was inexpedient to make it for the accommodation of the mail. This argument, though the conclusion may be just, is, certainly, not quite fair. If the accommodation of the mail were the sole object of its construction, then the argument would be fair. But it should not be forgotten that this is but one of three objects to be effected by making the road. In addition to the advantages which are to be derived from the superior facilities in the transportation of the mail which this road will afford, are to be considered the advantages which it will afford to internal commerce, and the advantages it will afford, as a military road, in time of war. The aggregate of advantages, resulting from these three sources, constitutes the reason of the committee for reporting this bill. We all know of how much importance the despatch of the mail is, at any time, but particularly in time of war. The delay of a day may cost a city and many lives. The battle of the 8th of January, 1815, at New Orleans, was fought because despatches, which were on their way, had not reached their destination. The value of this road, in a military point of view, I admit to be, chiefly, contingent. It may, in this relation, be incalculably valuable, or not, according to circumstances.

Again: The gentleman asks, will troops ever pass from the Northern frontier to the Southern, or from the Southern to the Northern? I answer, I have no expectation that they ever will. Nor have I any expectation that many persons will, either in times of peace or war, travel through the entire line of this road. But this, I conceive, is no drawback from its value. This road is to be regarded, if

you please, rather as many roads all united, than as one road: for, whilst the various sections of it will be crowded with travellers, you will rarely find one destined to pass along the whole line. This view of the subject will obviate, I think, many objections which are made to the bill.

Who would think, says the gentleman, of transporting ordnance from here to Buffalo by land, when it might be carried by water? Where is the grand canal of New York? Sir, these questions produce no difficulty. No one would be so foolish, I suppose, as to think of conveying ordnance by land when he could convey it by water. But, supposing your waters to be blockaded by your enemy, would you then deem it foolish to prefer a transportation by land to a transportation by water? I should think not.

The honorable chairman of the committee which reported this bill, having, in the course of the very interesting views which he presented to this committee, alluded to the state of internal improvements in England and France, my colleague, [MR. P. P. BARBOUR] as if determined to strip improvements every where of all claim to public favor, asked, in what countries do you find a poorer and more oppressed people, than in these? Surely, the gentleman will not seriously contend that the internal improvements of a country are disadvantageous to it. And yet, sir, what other inference can you deduce from this question? Immediately after putting this question, in the manner I have represented, the gentleman expressed his willingness, nay, anxiety, that the improvement of the country should go on. He was willing to bring roads and canals to every hamlet—to every door; but by the States themselves, and not by this Government. Now, how does this declaration comport with the question which the gentleman put to the committee relative to the pauperism of England and France? How much less, I will ask the gentleman, will this road, or any other piece of improvement, be worth, having been made by the General Government, than if it had been made by the State Governments? I never before heard it insinuated that improvements promoted pauperism. I cannot avoid thinking that the violence of the opposition which the gentleman feels to the assertion of jurisdiction over the soil of the States, by the General Government, sharpens in a high degree the opposition which he feels to this measure, on the ground of expediency; else, why such strong efforts to undervalue, to disparage, the proposed road?

The gentleman has said, that, in proportion as you remove the expenditure of money from the influence and control of self-interest, you increase extravagance. I subscribe most heartily to this proposition. Self-interest, when it can be brought to bear upon the subject, is the surest guaranty of economy in the expenditure of money. But how will the gentleman apply the principle, with any advantage, to the case under discussion? Can a State, any better than the United States, dispense with agents in executing its schemes of internal improvement? If it cannot, I should think the argument was without force. There are no means, in reference to this subject; it seems to me, which can be employed by a State, that cannot, with equal facility and advantage, be employed by the United States. The plan adopted in Virginia, and referred to by the gentleman, of requiring the subscription of three-fifths of the stock necessary to complete a work of this character, by private individuals, as a condition upon which the State will subscribe the remaining two-fifths, is wisely accommodated to the limited means of the State. But I apprehend the adoption of a similar principle here would amount to an abandonment of some of the most important objects, in a national point of view. I have already intimated that the wealth and prosperity of a nation does not always consist in the amount of money which it may have in its coffers; and that the wealth of its citizens was the wealth of the nation. Every convenience, every commercial facility enjoyed by the citizen, adds to the general stock of

national wealth. Why, then, I would ask, should conveniences, commercial or personal, be withheld, when they can be so easily supplied by the Government? The gentleman himself admitted, if I rightly understood him, that the money of the treasury was collected imperceptibly from the people: if so, the complaint upon this score is rather imaginary than real. I will venture to affirm that the advantages of this road, should it be constructed, will be something more than a phantom of the imagination. Besides this view of the subject, I repeat, that funds far more than necessary for the ordinary purposes of the Government will flow in upon us, and that we must make some disposition of them.

The gentleman again said, that this system of distributing the public money was unequal in its operation, and therefore unjust. Now, it would appear to me that if this objection be sound, a system of internal improvements could not be sustained, either by the State, this, or any other Government, for the objection certainly lies as strongly against it in one place as another. Sir, all civilized nations admit the importance of internal improvements. All have practised, to some extent, under the principle of their importance; and shall we now be told, that, because in constructing them we cannot distribute the money employed upon them with perfect equality among the people, we must abandon them altogether?

Sound policy requires that the most important improvements should be selected, with due regard to national advantage, including equality of distribution of money, so far as practicable, as well as every other fair consideration, and nothing more.

Perfect equality in the distribution of the public money is not expected—is not possible.

I do not feel the force of this remark of my colleague, that exactions and contributions should be equal.

How equal? Literally and arithmetically? If he mean that they shall be literally and arithmetically equal, then I take issue with him, and without an argument will submit the question to the decision of this House. If he mean, as I presume he does, that the constitution requires only practicable equality in public exactions and contributions, then I will contend that in the construction of no work which can be selected, would a more equal distribution of the people's money be made among them, than in the construction of the proposed road. Exaction—as that is a term which belongs to the tariff, a matter which the gentleman declined to discuss—I shall permit it to sleep undisturbed.

The gentleman said it would be unjust, after he and another had, with great nicety, weighed out each one hundred pounds, in gold scales, as contributions to the Government, that that other person should take the whole sum, and appropriate it to his exclusive use.

I should certainly not differ with my colleague in opinion here. I will, however, ask the gentleman how he applies the remark to this bill? It may mean something, if it be taken as referring to the tariff; but I do not understand it in its bearing upon the proposed road. The two or three millions which will be expended upon this road, should it be made, will, instead of going into the hands of one or a few, be scattered amongst thousands.

The gentleman, as if willing to defeat this bill by any honorable means, here ridiculed the idea of applicants coming before Congress from all quarters of the Union, for internal improvements—some with propositions for national improvements—some with propositions for more national improvements, and—some with propositions for most national improvements. Sir, there is nothing in this conceit at all ludicrous or ridiculous in my mind. Improvements of all these several degrees of nationality being submitted to Congress, from which to make selections, it is to be inferred that the selections will be made from that class denominated most national.

There is, I confess, a good deal of ludicrousness in the idea of Congress roaming over the country in search of objects of this kind; but that they should be brought to its view by applicants or petitioners, is a mode of proceeding quite too common to excite risibility.

The gentleman thinks that, upon a fair division of ten millions of dollars among the States, the share of Virginia would be one million; yet, he says some portion of its inhabitants (the people of Norfolk) felt great joy when the United States subscribed one hundred and fifty thousand dollars to the Dismal Swamp canal stock, as if they had, through the mere bounty of Congress, got something that did not belong to them.

Now, upon looking over the ideas here conveyed by my colleague, the inference is to be drawn, that, instead of one hundred and fifty thousand dollars, one million ought to have gone to Virginia. The idea seems not to have been present in his mind when this train of reflection entered, that from ten to twelve millions, and upwards, have been annually consumed by the national debt. He seems to have proceeded upon the idea that there had been an annual fund of ten millions to be distributed among the people. If this had been the case, the people of Norfolk would have been miserable dupes indeed, to have exulted because their State had got one hundred and fifty thousand dollars, when it was in fact entitled to one million. Such, however, was not the fact. The people got a hundred and fifty thousand dollars through the favor of Congress, rather than because, at that time, Virginia had any particular claim to a dividend from the treasury.

My honorable colleague was pleased, in the course of his eloquent speech, amongst other things, to direct our attention to old Rome, once the proudest city of the world. He asked, where is Rome, with all its splendid aqueducts, towers, and temples—Rome, that once urged its conquests almost to the Ganges? Aye, and where are the Romans themselves, who built these splendid works? They, too, are gone. They were the workmanship of the Deity, yet they have perished. Could mortality impart immortality? No. Athens, Rome, and Carthage once were, but now they are not. The reflection is melancholy, but it is irresistible. The time will come when our beloved republic will live only in history. It is the common fate of all things beneath the sun. But I do trust, that, under the blessings of a kind Providence, ages upon ages will run their ample round ere it will be asked, where, now, is the once splendid republic of North America?

As the downfall of no Government, heretofore, is to be ascribed to its improvements, there can be no just cause to apprehend such a consequence from such a cause in future. Sir, let gentlemen say what they may, it will, nevertheless, remain an unshaken truth, that internal improvements are a source of wealth and prosperity to a nation.

A well regulated system of internal improvements will, I doubt not, be found to be one of the most efficient ligaments of our Union, whilst it will give no just ground for the apprehension of consolidation, and a destruction of the State sovereignties.

If destruction shall come upon our Union, (which God forbid!) it will be alike to me whether the fault shall have been with the Federal Government, or the State Governments. Disunion is the dreaded result. It may as readily happen from the ill-devised measures and ill-timed opposition of the State Governments, as from similar causes springing out of the action of the General Government. Both sides should be alike careful to avoid this result—both animated with a spirit of conciliation and forbearance.

Mr. RAMSEY said, he did not mean to detain the committee long, nor did he intend to enter upon the constitutionality of the power of Congress to make the road contemplated by the bill. I [said Mr. R.] consider that question settled long since. I go upon the expediency of the measure. The road proposed by the bill runs about mid-

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way between the North and Western frontier and the seaboard. It is a road that will be of immense importance to this place and to the Government. It will be a welding link to solder together this Union. There is not a member in my hearing, that does not know that each State in the Union has a seat of Government within the central limits of the State, and has erected public buildings for the convenience of the legislative bodies and public officers. I take it for granted that other States have done as Pennsylvania has. Harrisburg is the capital, or seat of Government, and that State has, out of the State funds, expended very large sums to make roads and avenues to and from that place—a turnpike road by the southern route, as it is called, to Pittsburg; one by the north route to the same place; one to Lancaster, one to Reading, a bridge at Harrisburg, and one at Clark's ferry. Not less than five hundred thousand dollars of money has been expended to make roads, bridges, &c. to lead to and from the seat of Government of my State, so that every individual who had business to transact at the seat of Government might have a good, safe, and convenient way to travel over. Now, are we not sent here to legislate for the whole community, and particularly for this ten miles square, the District? Will this great, growing, and prosperous Union be behind the States? This Government, with a treasury overflowing, will it refuse to make roads and avenues to lead to and from this capital? I hope not. I do not know, nor do I believe there has been one dollar expended by this Government, to make a road from the interior to reach this place, the capital of this Union. Then, if the different States make good roads and avenues to lead from different parts of the State to the capital, on the same principle I contend that we are called on to aid in making similar provision to reach this capital, from the interior of this great and very rapidly growing nation. I hold it as an imperative duty for us to do so. Make the road from this to Buffalo, (that is, the part I will speak of,) it will run through some of the most rich and fertile valleys in the United States. You will see, in ten years or less from this time, from fifty to a hundred wagons a day, in the months of November, December, and January, in the streets of this city, loaded with iron, flour, beef, pork, whiskey, and a great variety of other articles. Would that be of no advantage to this place? Have we not our navy yard here, our marine barracks, with a great variety of other public works? And no doubt more will be built. Would it not be of vast importance that every thing from the interior should be got upon the best terms to supply those public works? And where will you get such supplies but from the interior? Yes, make this road as contemplated by the bill, and you will see wagons and teams from the district I have the honor in part to represent, in the streets of this city, one of which would load up and haul off ten of your wagons, horses, and loads, that we now see in the streets, at one load. It is said we have no right to legislate beyond this District on the subject of roads. Now, suppose Maryland and Virginia were each to pass a law to make a wall around the District, (as it is contended we cannot go beyond it,) what would we then do? Would the fine spun arguments of the gentlemen from North Carolina and Virginia keep us here, or not let us come to this capital to legislate for the whole United States? Of what use would this House, and all the public works erected here, be to the United States, if we could not get to them? What would be said of Congress, after spending from six to ten millions at this place in erecting public works, if we could not get to them for want of a road.

We have been doing indirectly that which it is contended we cannot do directly. Congress has appropriated near four millions of dollars to internal improvements, such as canals, roads, &c., and as much of the public lands as would make four millions of dollars more for roads and canals.

I ask, where is the difference between granting a sum of money to be expended under the direction of this Government to clear out the mouth of a river or creek, or the granting a sum of money to make a road? The one is to let the boat pass, and the other to let the wagon pass. And, further, where the difference between the United States making a steamboat channel to carry the United States' mail through, or the United States making a road to carry the mail over? I, for the soul of me, can see none.

It is four hundred miles from this to Albany; we are as near Buffalo at this place, (Washington city,) as when we arrive at Albany. Now, will any gentleman tell me that it is of no importance to save four hundred miles in the transportation of the mail from this place to Buffalo?

My people want this road; they want to come here with their produce; there is no direct road to this place in a northern direction; all the roads in my State lead to the seaboard. The influence of Philadelphia has caused all our public roads to point that way. Last year the Legislature of Pennsylvania nearly unanimously refused to permit the patriotic Baltimoreans to make a railroad up into that State. It is said this is to be a direct road. I can tell the gentlemen from Virginia and North Carolina, that if the Government will give me the one thousand five hundred dollars per mile that this bill proposes, I will make a road for two hundred miles from this place towards Buffalo for that sum, which they would travel forty miles out of their way, were they going in that direction, to get upon, if they did not think their consciences were to be affected by travelling on an unconstitutional road. My constituents want this road. They say they have a right to ask for it. There is money enough to make it. The people along this road have paid more money long since into the treasury than would make it. They have sent me here to speak for them, and express their wishes and desires; I do it most willingly, and honestly believing I ask nothing but what is just and right.

I expect a disinterested magnanimity from many of the members from New York. It is true this road will run through but a corner of that State: it does not lead down the canal to the city of New York; yet I hope to hear the members from that State say, much has been done for the eastern end of the State, we will not now withhold from the western end this small pittance they ask. I hope none of my colleagues will be found voting against this bill; the western part cannot, with any propriety, in my opinion, vote against it; they have had many favors extended to them out of the public treasury, and they expect many more. The eastern part I know will not, from the example set by the chairman of the Committee on Internal Improvements, who reported this bill. He has acted a highly honorable part in this project, and he merits the applause of the American nation.

I now appeal to another class of men, and I hope to see them act the part of honorable, liberal men—I mean the commercial part; they have had upwards of thirty millions of dollars given for light-houses, sea-walls, harbors, piers, wharves, fortifications, &c. to protect commerce. The State of North Carolina alone has got upwards of two hundred and eighty thousand dollars for light-houses, and I believe one hundred and fifty thousand dollars to the Dismal Swamp canal; yet gentlemen say she has got nothing. Now, can gentlemen ask me, or any other member residing off the seaboard, to vote away millions annually for the break-water, light-houses, &c. for their direct and consequential advantage, and not give to the people in the interior what they have a right so justly to ask for, that they may have some of the direct and consequential advantages from an expenditure of a part of the public money amongst them? If the deepening of channels, opening the mouths of creeks, rivers, harbors, and inlets, and the erection of light-houses and fortifications, &c. is necessary to the convenience and interest of commerce on the seaboard, and a direct advan-

tage to the neighborhood where the money is expended, let me ask those seaboard gentlemen, if we, who reside in the interior, have not a right to ask their aid in the passage of this bill? I think none will deny that we have that.

It thinks I hear every gentleman recording his vote in favor of it. If they do not, they say to us, you may get to the seat of Government by some of the old Indian paths, or down some stream in a canal, or on the back of a pack-horse or mule. No, no, I cannot for one moment harbor such an opinion; but, as high-minded, honorable men, to whom the interior has always granted every thing they have asked for, I hope to see one and all of you come out manfully and vote for the bill, and not shelter yourselves behind the constitution; for there is no other excuse left for you, in my opinion.

I am too feeble to say more; I hope some gentleman more capable than I am will do justice to this subject.

Mr. SMYTH said, I have had no concern whatever in forming the bill now before the committee. I am to vote upon it; and I will do my duty to my constituents, the commonwealth, and the constitution. I will very briefly discuss, first, the power claimed by this Government to make roads, and assume jurisdiction over them; second, the power to appropriate money for the purpose of making roads, without assuming jurisdiction over them; third, the power to aid internal improvements, by subscribing for the stock of companies incorporated to make them; fourth, the power to appropriate money in fulfilment of a compact; fifth, the power conferred on the President by the bill; sixth, the general expediency of this appropriation; seventh, the particular utility of the road proposed to be made.

The gentleman from Tennessee [Mr. ISACKS] contends that the power to establish post roads, conferred on Congress by the constitution, is a power to make them. I contend that "establish," wherever used in the constitution, signifies, to give legal existence, or legal effect. The people "ordain and establish the constitution;" one of their objects is declared to be "to establish justice;" Congress shall have power "to establish a uniform rule of naturalization;" "the ratification of the convention of nine States shall be sufficient for the establishment of this constitution." "Congress shall make no law respecting an establishment of religion." In all these cases, it is obvious that to establish means to give legal effect, to give legal existence, to set up by law. Congress have power "to establish post offices and post roads." Whatever be the meaning of establish, as it relates to post offices, must be its meaning as relates to post roads. The same word, used in different sentences, may have different meanings; but the same word, only once used in the same sentence, cannot have different meanings. Does power to establish post offices signify power to build, to put up brick and mortar? No, it signifies power to give legal existence to offices. So, power to establish post roads, is power to designate, by law, the roads on which the mail shall be carried; and this construction has been acted on by Congress during forty years.

The gentleman from Tennessee [Mr. ISACKS] contends that Congress have power to regulate commerce "among the several States;" and, therefore, may make roads for carrying on that commerce.

Sir, the power to regulate commerce, signifies power to pass laws controlling commerce. Laws are regulations. Regulations are laws. "No preference shall be given by any regulation of commerce, or revenue, to the ports of one State over those of another." The power given to Congress to regulate commerce among the States, is a power to control it, and to prevent the State Legislatures from burdening it by duties, taxes, or licenses, and so on; by which one State might oppress the inhabitants of another. Will the gentleman from Tennessee contend that to make a canoe is to regulate commerce with the Indian

tribes? Will he contend that to build a ship is to regulate foreign commerce? If not, how can he contend that to make a road is to regulate commerce among the States? Sir, when it shall be proved that canoes, ships, and roads are commercial regulations, otherwise commercial laws, then I will give up this point.

Sir, if there is any question respecting the power of Congress, that has been decided against the claim of power, in a way that ought to be satisfactory, final, and conclusive, it is this. We have the authority of Jefferson, Madison, and Monroe, that Congress do not possess jurisdiction to make roads. Mr. Madison and Mr. Monroe expressed their opinions in the most solemn manner, when rejecting bills passed by both Houses of Congress, assuming this power. The last act of Mr. Madison's administration was to return, rejected, a bill assuming this power. But we have not only the authority of these great names. This House has repeatedly, on great debate, decided that Congress have not the power; and there is not an act in the whole statute book that assumes it. In March, 1818, after a protracted discussion, this House decided that Congress had not power to construct post roads and military roads, by eighty-four votes against eighty-two; and that Congress had not power to construct roads between the States, by ninety-five votes against seventy-one. And when Mr. Monroe had negatived the bill establishing toll gates on the Cumberland road, and returned it with his objections, on reconsideration, a majority of the House voted against it; a satisfactory proof that it had been passed without due consideration.

Sir, as this power is claimed by implication, and as in forty years not one act has been passed that asserts it, this long *nonuser* should be taken as evidence that it is not contained in the grant; and we should now consider it as settled, that Congress have not power to enter into a State, assume jurisdiction, and construct roads.

I will now consider the claim of power to appropriate money to the making of roads, without assuming jurisdiction. I have not found it in the constitution. But more than fifty acts of Congress, passed during the last twenty-eight years, make such appropriations. The ground on which we, who opposed the construction which authorizes such appropriations, stood, is nearly beaten from under us. The States and the people may construe their constitution; and the construction thereof, by them, must be conclusive. The long use of a power by Congress, by the approbation of the State Legislatures and the people, may sanction the construction of the constitution by which it is assumed. I would like to see the opinion of the State Legislatures taken, to ascertain if threefourths of them admit that this power is in Congress. The people, by re-electing those who have assumed it, seem to have given it their sanction.

I will next consider the power of Congress to aid internal improvements, by subscribing for the stock of companies incorporated to make them. I have always been of opinion since I had a seat here, that Congress possessed this power as a fiscal operation, which might be necessary if the treasury was full. It is well known to my colleague, the late chairman of the Committee on Internal Improvements, [Mr. MERRICK] that such has been my opinion. If we have a surplus revenue, it would be inexpedient to have it lying in the treasury, or in bonds, unproductive. It must be a question of expediency, whether money should be thus invested; and I hold that it will be always inexpedient, when we have a debt to pay, and that debt is payable. The object of such an operation should be a profitable investment of our money. The promotion of internal improvements would be an incident. This power, duly exercised, would give to the Government command of the accumulated surplus of its revenue, on any emergency; and it would be very convenient to have fifty millions of productive stock to dispose of at the commencement of a war. This power

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Buffalo and New Orleans Road.

has been exercised, and we do possess stock to a considerable amount.

I am next to consider the power of Congress to appropriate money in fulfilment of a compact. In 1802, the United States entered into a compact with the State of Ohio, on admitting that State into the Union, that five per cent. of the nett proceeds of land in that State, sold by Congress, should be applied to the making of roads from the navigable waters of the Atlantic to and through the said State, under the authority of Congress, with the consent of the States through which the road should pass; and, in consideration thereof, the State engaged to exempt from taxes, for the term of five years from the sale thereof, the land to be sold by Congress. In pursuance of this compact, the Cumberland road was made. And here again we have the authority of Mr. Jefferson, Mr. Madison, and Mr. Monroe, who severally approved the appropriations for this purpose.

Now, sir, you have the like compact with the States of Alabama and Mississippi. That with the State of Alabama provides that five per cent. of the nett proceeds of lands within the territory, "shall be reserved for making public roads, canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects, within the said State, under the direction of the legislature thereof; and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress." And, in consideration thereof, the State of Alabama has engaged not to tax the lands sold by Congress for five years; that the lands of non-residents shall be taxed no higher than that of residents; and that no tax shall be imposed on the lands of the United States. Here, then, we have a valuable consideration for the money which we shall appropriate to make this road, leading to Alabama and Mississippi. We owe a debt; we have an unquestionable right to appropriate money to pay it. This appropriation, in pursuance of our compact, is as fully authorized as the appropriation of fifteen millions for the purchase of Louisiana, made in fulfilment of a treaty.*

I will next consider the powers granted to the President by the bill. He is authorized to appoint commissioners, who are to lay out the road; he is then to take the necessary measures for the construction of the road; contracts are to be entered into, and releases obtained from the proprietors of lands. No jurisdiction is assumed; no power is given to take and condemn the lands. In adopting measures for the construction of this road, the President must pursue the authority given by this bill, or have recourse to the existing laws.

I will now notice some of the objections made by my eloquent colleague, [Mr. P. P. BARBOUR] who opposed the bill. He would dissuade Congress from making this appropriation, because there are seven and a half millions of imposts which might be repealed without touching the duties which protect domestic manufactures. Sir, many of those duties which he would thus repeal, protect agriculture; many of them are paid by manufacturers, and

they are the only duties which are not imposed for their benefit. Repeal those duties, and you exempt the manufacturers from all burdens. Let me caution Southern gentlemen against repealing these seven and a half millions of duties. Such a measure would render the reduction of the imposts which oppress their people hopeless. Let the whole of the imposts be gradually reduced, so as not suddenly to affect any interest. The manufactories being brought into existence by protection, it ought not to be suddenly withdrawn.

My colleague would not follow the example of France and England, in making internal improvements. The people of those countries are depressed, and many of them paupers. Sir, it was not the canal of Languedoc that depressed the people of France in the reign of Louis XIV. That great work cost five hundred and forty thousand pounds, and was finished in fifteen years. It was the perpetual wars of Louis XIV, which, in his latter days, were disastrous. It was that despicable bigotry which drove five hundred thousand protestants from their country, and scattered their wealth and arts over all christendom. It was not the expense of making canals and roads that depressed the people of England. Canals in England are but of recent date; they are made by companies; occasionally the Government gives a small grant. It is the public debt of England that depresses the people. At the end of the year 1701 it was six millions; in 1714 it was fifty millions; in 1775 it was one hundred and thirty-five millions; in 1784 it was two hundred and sixty-six millions; it is now perhaps a thousand millions. Thus, we see that it was the wars of the American and French revolutions that have involved England in a debt which can never be paid; and this depresses her people. Her hierarchy adds grievously to the burden. The revenues of the Episcopal Church in England amount to about forty millions of dollars, paid to eighteen thousand priests; while eight thousand other priests receive about two million two hundred and twenty thousand dollars. It is not the expense of internal improvement that has reduced seven thousand of the people of Dublin to live on three half-pence each day. In Ireland, seventeen hundred episcopal priests receive five million seven hundred and seventy-two thousand dollars, extorted from agriculture, while two thousand seven hundred and thirty-eight other priests receive one million and sixty-one thousand dollars. There is no danger that internal improvements will depress the people.

I will say something of the general expediency of this appropriation. If there is a surplus of revenue to expend in a beneficent way, it should be distributed as generally and as equally as circumstances will admit. This appropriation will be extensively beneficial; seven great States will share in its benefits. This road will extend through the interior of the country, where nothing has been dispensed for internal improvements, and little for any other of the expenses of the Government. Set one point of a pair of compasses at my residence, describe a circle of the diameter of five hundred miles, within that extent, not a cent has been disbursed by this Government for any work or improvement; not a salary is paid within my knowledge, and no compensation, except to members of Congress, mail contractors, postmasters, jurors, and for taking the census. Your expenditures for the army, navy, fortifications, and collection of revenue, are on the seaboard, in the cities, or on the frontier. The interior suffers by a perpetual drain of its money, none of which is restored by the Government. The prevailing policy is to have a revenue above the amount of the necessary expenses of the Government. I did not sanction this policy; but, as it is adopted, as the system is fixed upon us, let a small part of the surplus be expended, according to our compact with the South-western States, in the district of my colleague, and of mine.

I am to say something of the particular utility of the road proposed to be made. My colleague [Mr. BARBOUR] sup-

* Extract from a speech delivered by Mr. Smyth in the House of Representatives, in February, 1823.

"I will justify the appropriation made for the construction of the Cumberland road. Congress are authorized 'to dispose of, and make all needful regulations respecting the territory and other property belonging to the United States.' Now I apprehend no regulation can be more 'needful' than one which preserves to the United States a title to their property. Is it certain that, admitting a new State into the Union on an equal footing, in all respects, with the original States, would not vest in the State the domain? Would it not operate like an acknowledgment of the independence of a colony? Be that as it may, Ohio, by this compact, surrendered her right to tax, during five years, the land which the United States might sell, and thus gave an equivalent for the two per cent. which the United States engaged to disburse in making roads leading to that State. To make needful regulations respecting the public lands, is a granted power. Congress may pass the necessary laws to execute that power, and consequently may pass appropriation laws for executing this 'needful regulation,' this compact with Ohio. Thus the appropriations for making the Cumberland road appear to have been constitutional."

H. of R.]

Internal Improvements.—Pensioners of the United States.

[MARCH 26, 1830.]

posed it of no commercial utility. Commerce, he says, goes from West to East. He has never been in the southwest quarter of Virginia, and knows nothing of the direction of the commerce of that part of the country. The commerce of East Tennessee and Southwest Virginia does not go to the East. The merchants obtain their merchandise from Baltimore, Philadelphia, and New York. The caravans of wagons which carry on merchandising between Knoxville and Baltimore, now pursue the proposed route three hundred and fifty miles; and, when the road is made, they may pass through this place, or continue through Winchester, as at present. It is true, that, eastward of the Blue ridge, in Virginia, commerce goes to the East; therefore the middle route, on the east side of the Blue ridge, would be useless for commercial purposes, except that some hogsheds of tobacco, within thirty or forty miles of James river or Roanoke, might be carried along the proposed road, if made on that route, to those rivers. The commerce of the interior and western ports of North Carolina passes eastward to her own towns, or to Norfolk and Petersburg. The most eastern route through the capitals of the Southern States will only facilitate governmental and commercial correspondence. On the western route, the cotton of Alabama and the south of Tennessee may be brought to, and manufactured in, the towns of the great valley as far as Winchester, and will pass four hundred miles along the proposed road. The engineers have given this route a decided preference; they show it to be the best and the cheapest; it will require less expense in causeways and bridges: and the expense of making the road from this place to New Orleans, should it be Macadamized, would cost, according to their estimate, more than a million of dollars less than making it on the middle route, advocated by the gentleman from North Carolina, [Mr. CARSON.]

The engineers do not seem to have observed the fact, that James river is navigable where the western route passes that stream. There will terminate the trip of wagons bringing from the Southwest produce for the Richmond market. To the other recommendations of the western route, I will add, that the accommodations for travellers, along the great valley, from Knoxville to Winchester, about four hundred and fifty miles, are, in my opinion, not equalled, in goodness and cheapness, on any road, of the same length, in the world. Sir, the road through the southwest of Virginia is an exceeding important highway. It was formerly the usual road to Kentucky; but the making of the Cumberland road, and the Kenhawa road, has lessened its importance. It is still necessary to the inhabitants of the south of Kentucky, as the gentleman before me [Mr. LETCHER] well knows. They send along it to market vast numbers of live stock, to the northern parts of Virginia, to Maryland, and even to Pennsylvania. The gentleman from North Carolina [Mr. C.] asks if this road can ever compete with the Mississippi. Sir, the Mississippi does not run near us; and if our branches of that river were navigable, New Orleans never can compete with Baltimore in supplying us with merchandise.

On motion of Mr. SHEPARD, the committee then rose, and reported progress.

INTERNAL IMPROVEMENTS.

On motion of Mr. McDUFFIE, the House again resolved itself into a Committee of the Whole on the state of the Union, Mr. LETCHER in the chair, and took up the consideration of the bill "making appropriations for examinations and surveys; and, also, for certain works of internal improvements." The blanks in that part of the bill containing the appropriation for the continuance of the road from Detroit to Fort Gratiot, was filled with seven thousand dollars.

For the continuance of the road from Detroit to Saginaw bay, with seven thousand dollars.

For the continuance of the road from Detroit to Chicago, with eight thousand dollars.

For the continuance of the road from Pensacola to St. Augustine, with five thousand dollars.

Mr. HEMPHILL moved to amend that clause of the bill containing the appropriation of thirty thousand dollars for defraying the expenses of examinations and surveys, and of arrearages for the years 1826, 1827, and 1828, by increasing the sum to thirty-five thousand dollars.

Mr. WICKLIFFE desired that the arrearages should be made the subject of a separate appropriation, and not blended with that for defraying the expenses of the surveys. He inquired of the chairman of the committee, who reported the bill, what was the amount of arrearages.

Mr. McDUFFIE replied, they amounted to five thousand one hundred and forty dollars.

At the suggestion of Mr. INGERSOLL,

Mr. HEMPHILL withdrew his amendment; and then

Mr. WICKLIFFE moved to amend that part of the bill stating the objects of the appropriation, so that they would be confined to surveys already commenced and not completed, and to works of a national character. He was opposed to instituting any new surveys.

Mr. CLAY and Mr. MERCER opposed the amendment. Mr. M. urged the necessity of continuing the surveys, which [he said] were done at so trifling an expense, since the topographical engineers who made them must of necessity be employed by Government, even if the surveys were discontinued.

Mr. LEA suggested to Mr. WICKLIFFE to enlarge the object of his amendment, so as to embrace "such surveys as are recommended by either House of Congress."

Mr. WICKLIFFE said, he would prefer that the gentleman should offer the subject of his suggestion as an amendment. He wished to test the sense of the committee on the proposition he offered.

Subsequently he accepted the amendment as a modification of his proposition.

The amendment was negatived: yeas, 50—nays, 66.

On motion of Mr. VERPLANCK, an appropriation was inserted of five thousand four hundred and fifty dollars for office rent, &c.

On motion of Mr. McDUFFIE, this bill was then laid aside, and the bill "making appropriations for improving harbors," &c. was taken up.

The blanks containing appropriations for the improvement of certain harbors therein mentioned, being filled,

The committee then rose, and reported the two bills.

FRIDAY, MARCH 26, 1830.

PENSIONERS OF THE UNITED STATES.

Mr. BATES, from the Committee on Pensions, reported the following joint resolution:

Resolved by the Senate, &c. That the heads of the departments who may be severally charged with the administration of the pension laws of the United States of America, be, and they are hereby, respectively directed and required, as soon as may be after the opening of each session of Congress, to present to the Senate and House of Representatives a several list of such persons, whether revolutionary, invalid, or otherwise, as shall have made application for a pension or an increase of pension, and as in their opinion respectively ought to be placed upon the pension roll, or otherwise provided for, and for doing which they have no sufficient power or authority, with the names and residences of such persons, the capacity in which they served, the degree of relief proposed, and a brief statement of the grounds thereof, to the end that Congress may consider the same.

The resolution was twice read; and

Mr. TUCKER moved to amend it, by adding to it the following words:

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Pay of Members.

[H. of R.]

"And also the names of the several pensioners, and their residence, who continue to receive their pensions; and likewise the whole amount of applicants for pensions, under the law of 1818, giving pensions to revolutionary soldiers."

Mr. TUCKER'S amendment was agreed to: yeas, 77—nays, 69.

Mr. CHILTON was opposed both to the amendment and the resolution. He argued that the power and the patronage of the Executive Department of the Government were sufficient already, without vesting in it what the resolution proposed: for, if it passed, not five or ten, but fifty additional officers would be necessary to examine the cases, and prepare the information called for. Instead of this general reference of all the cases of application for pensions to the War Department, or a Board of Commissioners, with discretionary power to dispose of them, he preferred that every case should come at once before Congress to judge of its specific merits. The plan he thought wrong, because, after imposing this labor on the officer, the cases would still have to come to Congress; so that the only effect would be to give useless employment to a large number of additional clerks. Mr. C. went on to remark on another subject. He was aware [he said] that the transaction of the legislative business required committees; but he thought it a dangerous practice to give to committees unlimited confidence, and making it an apology for members of this House to neglect investigation themselves. He meant no reflection on the motives of any one; but the practice was bad. The consequence was, that the House passed measures without knowing any thing of their merits, trusting entirely to the reports of committees. No chairman of a committee, he presumed, would venture to report a pension bill solely on the abstract which should be furnished by the Secretary of War, and therefore it would be as well for the subject to stand as it does, and let the committee report the cases on their own examination.

Mr. BATES was indifferent to the fate of the resolution since the amendment was added to it, because it would require the reporting of a large volume every year of useless matter. The resolution had been offered to the House by the committee, because a great deal of time was now lost in investigating individual cases, which have been presented to the War Department, and, after examination there, rejected, as not coming within the provisions of the existing laws. The committee thought that, as these cases necessarily passed under the investigation of the head of the department, he could prepare with ease and accuracy a summary view of the nature and merits of each case, for the information of the committee. Nothing was to be referred to his discretion; he was merely to report facts; it imposed on him no additional responsibility, and would give him but little additional trouble. Mr. B. therefore, thought it a wise provision, calculated to save time, and facilitate the business, so as to grant relief in cases which were entitled to it, and ascertain at once those which were improper.

The resolution was then ordered to a third reading—yeas, 95.

SATURDAY, MARCH 27, 1830.

PAY OF MEMBERS.

The House again resumed the consideration of the resolution offered by Mr. McDUFFIE on the 18th instant, reducing the compensation of members of Congress to two dollars a day for every day the House may sit after the expiration of one hundred and twenty days of the long session, and of ninety days of the short session.

Mr. COULTER addressed the House in opposition to the resolution, till the hour for considering resolutions elapsed.

MONDAY, MARCH 29, 1830.

The House again resumed the consideration of the resolution offered by Mr. McDUFFIE on the 18th instant, relative to a reduction of the compensation of members; in case they remain in session after a certain period in each session, as specified therein.

Mr. COULTER concluded his remarks commenced on Saturday, against the adoption of the resolution.

[They were to the following effect:]

Mr. C. said, I would not of my free choice say any thing concerning the proposition now before the House. I am induced to do so solely by the accidental circumstance of my belonging to the Committee on Retrenchment, whose especial duty, it seems to be considered, is to aid and abet every gentleman in cutting down and breaking up every part of the machinery of this Government which does not meet with his approbation. As I cannot, in this instance, labor in the vocation which has been assigned to me, it is perhaps due to myself, and only respectful to the House, to state my reasons. If, however, this resolution had been offered, as some have been, and I suppose will be again, by gentlemen who love to amuse their constituents, I should not have touched it. It might have come upon the stage, made its bow, and exit, and went off, like its predecessors and associates, in a flourish. But it comes upon us urged and sustained by a gentleman of high political consideration, who is likely to win for it much favor, here and in the nation. It is meet, therefore, that it should be considered with the gravity and respect due to the gentleman from South Carolina, [Mr. McDUFFIE.] I regret that those who now give this proposition their patronage, had not brought it forward at an earlier period of the session, especially as a most appropriate occasion was then afforded them for presenting it to the House. It will be recollected that one bill, concerning the compensation of members of Congress, passed this House about the last of December. In that bill the proposition now under consideration was once contained. But a majority of the Committee on Retrenchment of this year divested the bill of what they considered an unjust and odious feature. Yet, when it was undergoing the action of the House, it was competent for the gentleman from South Carolina, or the chairman of the Retrenchment Committee, [Mr. WICKLIFFE] to have offered an amendment, embracing this their favorite proposition. Business had not then thickened upon the House, and time, which, it is now said was then wasted, might have been employed in considering what we are now discussing. If it had then been acted upon, it might, by operating on our aversion, have produced some of the good with which the gentleman from South Carolina feeds his fancy. Now it is too late for this Congress, at all events. But at that time we heard nothing of this proposition. No, not even from the Magnús Apollo of retrenchment. A proposition in relation to the daily pay of members, which the gentleman from Kentucky [Mr. CHILTON] did then offer as an amendment, received so little countenance or encouragement, that the House refused to order the yeas and nays upon its rejection. I think the House did wisely and well. It is certainly a delicate affair for this or any other legislative body to agitate the question of its own compensation. The necessity of the case constitutes it an exception from the general rule, which forbids public functionaries to be the judges of their own salaries. It has been judged safer, in all free countries, to vest this power in the legislature, though interested, than in any other department. But the delicacy of their position ought to make them cautious in their movements. If they attempt to increase their allowance, it will be ascribed to love of gain. If they attempt to reduce it, ten to one if they either get or deserve credit for patriotism or sincerity. They will most probably be charged with the grovelling design of purchasing popularity, by relinquishing a modicum of

their pay, without deserving it by merit. The best way, therefore, seems to be, for a statesman to leave the matter as he finds it, until the people complain. They know how we stand; and if we are entitled by law to more than we deserve, they will demand that we shall set the matter right. I have heard of no voice of complaint among them. Their minds are tranquil, and have settled down for many years with contentment upon the present rate of compensation. They know that we are the nearest power of the Government to themselves—the representatives of their wisdom, their virtue, their feelings, and their patriotism—and they have not demanded of us to cut down our compensation below that of clerks in the public offices; nay, even below that of the humblest messenger employed about this hall. Under these circumstances, I regret that this measure has been brought forward at a period of the session when it can produce no practical result, except that of displacing business well matured, and delaying the action of the House upon measures, the progress of which the public eye is watching, and in relation to the fate of which the public feeling is now engaged. Sir, it appears to me that an economist of time could hardly have been less fortunate in the selection of an occasion, or a mode of doing public service. The question of compensation, as presented in the resolution, comes in a form as noxious and offensive as could possibly have been given to it. So far as my recollection ranges over the history of representative governments and deliberate assemblies, whether in free or monarchical countries, I can bring to mind no example or precedent, no proceeding that bears any likeness or parallel to this. It has at least one merit, that of originality of invention. Of what character is it? Is its object to produce deeds of patriotism, of honor—to advance the interests and extend the renown of our country, by appealing to our nobler feelings? No—but by addressing itself to the base and sordid passions—to those feelings which actuate the most degraded and worst of mankind. Looking to the ancient republics, we find that they, when they wished to elicit deeds worthy of a free people, addressed themselves to the higher feelings, to the patriotism, the love of country—the honor and integrity of their public functionaries. That is the mode in which I should like to see the lagging integrity, the slow attention, the wandering thoughts, of this assembly, if such things be urged into concentration and quickened into action. We have fallen on evil times indeed, if our bosoms can respond to nothing but such a call as this. We have experienced a rapid and premature decay, if, at the end of fifty years after the declaration of independence, and before the last, lingering, and almost hallowed footsteps of one of those who proclaimed it, have left the earth, we have so lost its spirit, become so degenerate in purpose, as to be urged to duty and honor by no other incentive than a small pecuniary penalty hanging over our heads! Sir, we are required to perform an undefined and undefinable amount and extent of legislation, to provide for the interests, wants, and exigencies of twelve millions of people, and a vast extent of country, in a specified time, or be fined for it. Knowledge and wisdom are thus to be measured by hours, and patriotism by dollars. The iron bed of Procrustes is the only thing I know, to which the resolution bears a resemblance.

The reproach which the resolution conveys, (not designed, I am sure, by the gentleman who offered it,) may be correct or not. I will not undertake to say that the majority of gentlemen on this floor are induced to waste the time, and lengthen out the session, for the purpose of receiving their per diem allowance. There are many members, of whose character, standing, and virtue, I am unacquainted, (the gentleman from South Carolina has more experience than I have,) but there are many with whom I am acquainted; of these last I can say with confidence and candor, that they are not influenced by mercenary

motives, and that while they remain here they are influenced by a sense of public duty, and sustain an actual pecuniary loss. But to them money is not the primary motive to action. Other and more exalted motives actuate them. To them absence from kind friends, from their accustomed scenes, from the domestic hearth, which I trust comes home to the bosoms of all who are entrusted with a seat on this floor, is sufficiently painful—spring returns, but not to them returns its accustomed joys—daily and hourly they are recalled to the scenes of their home—their hearts yearn after their wives, children, and friends, but public duty, their obligations to their constituents, keep them here. When they have accepted the honor conferred on them, they will remain here so long as duty requires them. To such men this resolution only offers insult—it is addressed to them in vain. But it seems to be addressed to men of different mould, with whom it may be supposed the gentleman from South Carolina has “sounded the depths and shoals of honor;” and I would ask the gentleman whether even as to them it is not bottomed on a wrong estimate of human nature. Upon the principle of the resolution they are selfish. They have no care for, and pay no regard to, the public interest. Their feelings and passions are absorbed in speechifying, as the word goes, for their own aggrandizement. They will, of course, go on in their usual course until the period when the eight dollars per diem shall cease, and, after having picked up the crumbs and offal of every debate, to make themselves notorious, will go home at the end of the four months, and leave the public business undone. The old adage, that “you cannot bring blood out of a turnip,” is too true to be overturned by this resolution. I do not wish to be understood as believing that this is the true character of this House, or any very large portion of it. I believe the members generally to be actuated by as high and honorable motives as any former Congress. It is not requisite I should, in candor, say that they possess the same amount of talent. I know that in this session, as in all former ones, time has been consumed in what has been often called frivolous debate, but still I am satisfied, from the information of those sufficiently qualified to know, from correct and official sources, that we are not behind any preceding Congress in the amount of business actually done, and that we are much ahead of them in important national affairs, well matured by our committees, and now awaiting the action of the House. In addition to this, it ought to be recollected, by experienced gentlemen, that we have had three contested elections, each of which was the subject of warm excitement and debate, and which for the time entirely excluded ordinary legislative business. I know that many “wise saws” have been uttered about a debate of two days on a small Indian memorial. I do not set myself up as a censor upon any gentlemen who may think proper to enter a debate upon any question before this House. They are all of age, and act upon their responsibility to their constituents, and are amenable to the high bar of public taste. But, as I did not enter into that debate, and have been generally “a looker on in Verona,” I may be permitted to say that it involved an important principle. It ought to be supposed that gentlemen from various quarters of this Union, meeting together here, somewhat strangers, debate for mutual and public instruction. For my part, I listen with pleasure and delight to the effusions of genius, talent, and experience, on any subject, and bear with patience its concomitant evil, garrulity without wisdom. The public never said that the time so consumed was wasted, until some gentlemen here, perhaps with a view of building up their own reputation at the expense of others, made some stir about it. If we could all see ourselves as others see us, it might, perhaps, be considered that the best way to build up a reputation for business habits, is to attend diligently to the matters before us, without making a parade about it. A close

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Pay of Members.

mouth is not only the sign but often the very perfection of wisdom. The discussions of the early part of this session may have led to no practical measure, still they may have awakened public attention, and sharpened public inquiry. I believe there is no valuable institution in this world without some alloy; assembled here from the different sections of a mighty empire—the representatives of a free and intelligent people—overlooking the multitudinous interests of this great republic—exercising the right of free discussion—that great and glorious right—can we expect to have it without some alloy? It is impossible—discussion would not be valuable if it were so controlled as to exempt it from being abused. We cannot have that bean ideal in legislative proceedings which gentlemen seem to desire, and we should be careful lest, in attempting to take away what may seem objectionable in debate, we do not destroy the value of the right of discussion altogether.

The resolution is founded upon an assumed fact, the contrary of which is proved by experience. It would doubtless be a wise measure, if it was satisfactorily established, that the legislative business could be transacted in four months. If not, the resolution ought to be abandoned. How are we to ascertain that the business can be done in one hundred and twenty days, not only now, but in future time? Are we to resort to experience, the sure guide which statesmen ought always to follow, or draw upon our imaginations? We must consult the records of our country, and they will admonish us that it is a gratuitous supposition, a mere fancy, to say that our business can be transacted in four months. I have looked at the sessions of Congress from the commencement of the Government, and I find that, at no period, has the first session of any Congress been less than five months, not even when the population of the country did not much exceed three millions of souls; at times, too, when men of the purest patriotism and most distinguished talents appeared in the councils of the nation; men whose bright escutcheons were never stained with the imputation of eking out a session for the love of their per diem allowance. The first Congress sat, in the two years, five hundred and nineteen days. I admit, that putting the new machinery into operation required more than ordinary time; but in the years '93 and '94, when the whole machinery of Government was in harmonious operation, Congress sat three hundred and eleven days; in '99 and 1800, it sat two hundred and seventy-two days. At that period the population was five million three hundred and nineteen thousand and thirteen souls, less than one-half of our present population, and the great States in the valley of the Mississippi have since grown up, as if by magic, claiming the paternal care of this Legislature. But I have turned to another period of our history, in the hope that its example would be more prevalent here. Mr. Jefferson came into power upon the basis of economy and reform, and I believe he had a sincere desire to promote both. But I have looked in vain to find that the first session of any Congress, during that administration, was brought to a close in less than five months. The first session of his administration lasted one hundred and forty-eight days, and the second eighty-eight. Supposing, however, to humor the fashion of the times, that they had some trouble in clearing away the rubbish left by General Washington and Mr. Adams, in the first Congress, yet the second Congress of that administration, influenced by the strictest economy, conducted by the purest republicans, sat two hundred and eighty-two days. Is it to be expected that this Congress, legislating for more than double the number of people, covering a much wider extent of territory, and embracing six additional States, with less of political experience and wisdom, can do the business in two-thirds the time? The gentleman from South Carolina would task us too hard, he would fix a badge of disgrace upon us, unless we far surpass the Roger Sher-
mans, the Albert Gallatins, the James Madisons, of other

days. Sir, it may do very well for the gentleman from South Carolina, but it will not do for me. But, if we cannot trust the National Legislature of primitive times for an example, let us look to the State Legislatures. There the members stand in close affinity and contact with the people, under the eye of their constituents; yet it will be found that they consume as much and more time than we do, making allowances for the difference of circumstances under which we operate; and the magnitude and variety of interests for which we provide. I speak with knowledge of the State from which I have the honor to come. The Legislature of that State met one month before Congress, and has not yet adjourned. If the members have done wisely, they will hear, when they return home, the words "well done" from their constituents; because that people look more to the worthiness and value of legislation, than to the ordinary time expended in maturing it. I think, then, I may safely say, deriving my information from that great source of political knowledge, experience, and we should always pursue our path into futurity by the light which beams from the past—looking to this authority, I may safely say that the resolution of the gentleman from South Carolina is bottomed upon a presumed fact, the converse of which is established by experience. Shall we, then, who are entrusted with the concerns of a great nation, be guided by experience, or follow the imaginings of the gentleman? I choose to follow in the path of those wise and patriotic men of our early days, with whom the spirit of the revolution abided, who were honored in their lives, and, in their deaths, were embalmed in the recollections of our people.

At the close of the hour on Saturday I was about to reply to some observations of the gentleman from Virginia [Mr. ALEXANDER] which introduced the tariff, and the peculiar feelings of gentlemen from the South, into this debate. I will forbear, because I feel that I shall trespass long enough on the time of the House by advertising to the topics that more properly belong to this resolution. I hope to have some more fit occasion to express all my feelings and opinions on the subjects which the gentleman from Virginia has touched. They are like those of the people from whom I am sent, decided and emphatic. The gentleman from Virginia spoke of the rapine and plunder committed on the people by an army of legislators. I do not know but those might have been the sentiments of Robespierre; when he undertook to regulate every thing by the jacobin club. Bonaparte dispensed with the representatives of the people in a summary mode—and so did Cromwell. As long as liberty dwells in this land, its brightest, purest, and most secure abode must be in these halls. I do not wish to see the power of the people, as here unfolded and exemplified, curtailed or straitened. The gentleman from South Carolina has devoted his energies hitherto, to what he considered some improvement in the constitution. But I would ask him whether the practical effect of his proposition would not be to weaken the popular representative branch of this Government, and to strengthen unreasonably the Executive arm. The constitution provides that neither House shall adjourn without the consent of the other, for more than three days. The notion and view of the convention in this provision is evident. The aristocratic branch, or, as some will have it, the representatives of State sovereignties, (if that expression can be used without a solecism in lexicography and common sense,) might choose to adjourn so long, in times of public excitement or public apathy, as to leave the Executive authority in perfect control of the Government. Now they cannot do it without the consent of the popular branch. Sir, every despot who has arisen in the world, commenced by encroachments on the voice and privilege of the people, first limiting, and then suppressing it. The freedom of the press, which is entirely analogous to that of debate, is liable to abuse; and there is a class of gentle-

men who are constantly engaged in fastidiously bewailing its corruption.

It is most undoubtedly liable to abuse. More, much more than the privilege of free debate. Yet who would wish to see it trammelled or circumscribed? The constitution provides that Congress shall pass no law "abridging the freedom of speech or of the press." Now, what freedom of speech was it that they intended to place beyond the reach of legislation? That which takes place in the market place or in the public streets? One would think not, because that is provided for by the common law, on the subjects of suits for slander. Once there was a seditious law—a sin, in a degree as fatal as the original sin of Adam—because the crime of the father is visited upon their children. But, on the whole, considering the provision as a general political guaranty, it is hardly to be doubted but that it was intended to guard the freedom of debate in the national assembly as well as in private circles or the bar rooms of a tavern. And is not the national representative of this people possessed of sufficient discretion to confine within reasonable bounds the privilege of debate? In the Roman Senate, a consul was not permitted to interrupt a senator, but, if the debate was unreasonably prolonged, the senators interrupted it and stopped it by their clamor. Cannot the representatives of this people, the most enlightened and patriotic that ever existed on the earth, be entrusted with the same privilege? No, sir, upon the principle of this motion, our controlling motive is avarice. It cannot be disguised or forgotten that this Government is the first hope of liberty, and, if it fails, the last prop of enlightened humanity and justice will have left the earth. We are entrusted with a sacred deposit. The eyes of the friends of liberty and justice in all quarters of the world are directed towards us. We have proclaimed that virtue is the foundation of a republic, and knowledge its surest support. It seems that we have been going on upon a mistake. If so, we ought to undeceive the world.

A gentleman brings in a motion, bottomed on the supposition that we are governed by money. Even Walpole, in the pride of his power, never broached so bold a notion; he thought, to be sure, that every man had his price, but he thought that public men were to be bought by something magnificent, not by the paltry sum of six dollars a day. If we adopt this resolution, the people will take us at our word; they will say that we have fixed the mark of Cain on our foreheads. I never yet knew any man who acknowledged himself to be a mean fellow, who was not believed. If we condemn ourselves, the people will believe us. No man can gather "golden opinions" by branding himself with iniquity. If the resolution passes, the people will perform a solemn lustration, they will purify this hall; and I trust in heaven, that no man who has been present at the degradation of his country's honor, will ever again be returned. Sir, the people of the old continent have looked upon us with something of wonder and admiration. They have not exactly comprehended the spirit of public virtue which urged us on to prosperity and happiness. Sir, the proposition of the gentleman from South Carolina will meet all their wishes. If it is adopted, as quick as the ocean can bear it, winds will waft it to the old world; royal presses will proclaim it; and the tottering and decaying institutions of despotism will be stimulated into fresh vigor by the sound.

The decline of republics is traced from the first moment of the decline of public virtue and public spirit. I need not run over the history of ancient times to prove this. Every gentleman in this House is sufficiently informed to know it. Shall we not bring disgrace upon representative government, if we establish, by our law, that we shall accomplish all our legislation in a given period, or have a brand of disgrace upon us? I do not agree to it. It may suit the views of gentlemen who wish to weaken the popular branch of this Government. There may be

saved to this people the amount mentioned by the gentleman from South Carolina, by the adoption of this measure; but what will that signify? The expense of the army is annually about five millions of dollars, and that of the navy is nearly of the same amount, whilst the whole civil department of the Government does not much exceed half of one million. Now if Congress did nothing, its value would be felt. It is something like the eye of a master watching the labor of his workmen. If gentlemen speak over again, in the "stock debates," the same speeches that have been spoken, to use the language of the gentleman from Virginia, [Mr. BARBOUR] "de die en diem," it is undoubtedly an evil, and is only to be remedied in the firm good taste which resides in this House. It must come to that at last: gentlemen must learn that they will be tolerated in speaking only when they have something valuable to communicate. If ever I set up for a pedagogue to lecture the House, I will strike at these standing debates, not at the occasional flashes which bring fire from the eye and eloquence from the lips of some gentlemen.

Sir, in the beauty and repose of yesterday evening, I strolled, in company with others of this House, to the neighboring city of the dead, where some of the fathers of the republic repose quietly side by side. Their bones lie where the bones of their kindred and people do not lie. There is the tomb of George Clinton, upon which it is recorded that his children performed that pious office which was due to his remains from his country. There is also the tomb of Elbridge Gerry, upon which his own memorable saying is engraved, "Government has a claim upon the time of every citizen, and, if he had but one day to live, that day ought to be employed in doing good to his country." It was refreshing to my spirit to read this memorial of his devotedness to his country, by one of its fathers and benefactors. But my heart fell within me, when I recollected that it was my humble office to oppose this day a resolution, which seems to imply that public spirit no longer remains among us, and that our most appropriate motive to action is love of money.

Mr. EVERETT expressed himself as friendly to the object of the resolution, so far as regarded an abridgment of the sessions, but not disposed to employ the means which the resolution proposed to attain this object. He moved to amend the resolution so as to limit each session to a fixed term, which, he thought, would obviate the objections which had been urged against the resolution in debate, and suggested to him by many of his friends.

Mr. STANBURY said that he did not like the resolution, and he lamented that it came before the House from so respectable a source. It proceeded upon the supposition that a majority of the members of this House procrastinate the session, for the purpose of increasing their own compensation. If gentlemen can persuade the people to believe this, it will have a manifest tendency to bring us into contempt and disrepute with them, and prepare their minds for certain irregular movements against this Union, with which we have been threatened. The truth cannot be disguised, that the people have a deep-rooted attachment for the Union. This attachment is much stronger than a certain class of politicians among us perhaps may wish. Not all our measures for the protection of the industry of the country, and for its internal improvement, complained of as so oppressive by some, will, I am persuaded, have the effect of stimulating the people in any quarter to sanction any of the irregular movements to which I have alluded. Those who may wish to prepare the minds of the people to look with approbation on any measures of this kind, have yet a great work to perform. They must first bring this Government into contempt: nothing would so effectually do this as the passage of this resolution, which would proclaim to the world that we, the Congress of the United States, the immediate representatives of this great people, are public robbers.

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Pay of Members.

[H. of R.]

But, sir, it is not true that this House, or any considerable portion of its members, desire to remain here without performing any public service, for the mere purpose of entitling themselves to their pay; neither am I prepared to admit that this Congress has been less industrious or less patriotic than any which have gone before us. An immense mass of business has been prepared by our committees, and is now ready for the action of the House. The passage of many of the measures before us for the internal improvement of the country, and which the state of our finances can at present so well afford, and the passage of the bill on our table for the enforcement of the laws already in being for the protection of the woollen manufactures, are, I believe, loudly called for by a large majority of the people; and if it be one object of this resolution to defeat all or any of these measures, by depriving us of sufficient time to act upon them, it only affords an additional reason for my opposition to it. If it were in my power to go any further than to vote against the resolution, I would vote it a libel on the House.

Mr. McDUFFIE replied to Mr. S. with equal warmth, and vindicated his resolution against the objections urged by others.

Mr. SCOTT said that, were it not for the imposing appearance which the resolution now under consideration presented to the view of the public, he would have rested perfectly satisfied (as he had heretofore done on other occasions) with giving a silent vote. And now I regret [said Mr. S.] that I have to differ in opinion with the gentleman from South Carolina, who offered it, because I believe his motives were pure, and that his only object was to facilitate the business of Congress; and I now disavow the most distant intention of attributing any improper motives to him. But I feel well satisfied that the introduction of a principle, such as is comprehended in the resolution, would have a tendency virtually to destroy one, the most valuable co-ordinate branch of our republican Government. I mean the representative branch, which is at all times under the immediate control of the people, and ought to be free and unrestricted in its deliberations. In my humble opinion, it would be imprudent, impolitic, and unjust in us, who sit here in the time of peace and prosperity, to limit the sessions to a certain period of time, when we know not the day that troubles and misfortunes may befall us. Yes, sir, there is a possibility, though, I grant, not a probability, that, previous to the end of our present session, an indignity may be offered to our flag upon the ocean, which might render it absolutely necessary for the present Congress to take the matter under their most serious consideration. I hope a kind Providence may avert any such evil, as no one would deplore it more than myself. But this and many other circumstances may occur in future, which may require the solemn deliberations of Congress, when they may require time, and the utmost extent of their talents—whenever national safety may hang suspended on the lips and the wise deliberations of the statesmen within this hall. And, from what I have seen and experienced of the gentleman who is the author of the resolution now under consideration, I, for one, would have as much confidence in his integrity, talents, and opinions on such an occasion, as of any member within these walls. But, much as I have admired the general course which the gentleman from South Carolina has pursued, since I have had the honor of observing it, I must be permitted to think very differently from him on some subjects; and, at present, I feel opposed both to the resolution, and the amendment to it, which has been offered by the honorable gentleman from Massachusetts, [Mr. EVERETT] because I believe that either of them is at variance with our republican institutions, and that, if either is adopted, and should become a law, the most pernicious consequences will most inevitably follow. The very principle implied, both in the resolution and amendment, is,

that the members of this body prolong the sessions, from the mercenary motives of receiving their per diem allowance, trifling with the business of the people by an unnecessary delay. The gentleman has himself illustrated this view of it most satisfactorily, because he insists that if such a law was in operation, there would be as much business transacted in the term for which they were to receive eight dollars per day, as there is at the present time, when the session is extended so much longer; and he has, but a few minutes since, given it as his opinion that Congress would not sit either at two dollars per day, or without a compensation. When he first advocated his resolution, we were informed that if Congress would sit a month after the eight dollars per day would expire, and then receive two dollars per day, there would be an ample compensation for the session, as the aggregate would be about seven dollars per day. This position, I apprehend, only goes to show that eight dollars per day is too much; because, if seven dollars is "amply sufficient" for a long session, it is equally so for a shorter one; and, if gentlemen are in earnest, and have any desire to reduce the wages of members, I shall go with them most cheerfully to reduce the daily pay to seven dollars, because I believe that sum is worth as much for ordinary uses at the present day, as eight dollars was at the time the present pay was established by law; and this will be a certain saving to the Government, and much more congenial to our republican institutions.

In the great uncertainty of human affairs, suppose some national calamity was to befall our country, and it should become absolutely necessary for Congress to deliberate a much greater length of time than is contemplated by the present project, they would have to sit for a sum scarcely sufficient to pay their boarding. Should there, then, be any such mercenary men who would have the honor of a seat in this House, and have no more honorable and patriotic object in view than their daily pay, would they not very soon leave your hall? But what would be the unpleasant situation of one (perhaps of the most virtuous and patriotic members of your body, who, under some severe dispensation of Providence, would have to resign his seat, or ask leave of absence? Would he not have his feelings wounded with frequently being stigmatized with the epithets "unworthy," "mercenary." Sir, my honorable colleague [Mr. COVINGTON] had the fortitude (and I was much gratified to hear it) to bring into the view of the House the true cause of the procrastination and delay of business in this body, namely, the protracted debates which frequently take place on trivial and unimportant questions. This I take to be the true cause of delay. But, neither the adoption of this resolution, nor of the amendment before the chair, nor of their principles enacted into a law, would, in my humble opinion, in any degree, remedy the evil. The same gentlemen who retard the business in the present situation of affairs, would do the same provided the proposed system was adopted. And should our country ever be so unfortunate (which I hope it never may) as to have unworthy and designing men in this hall, they would then be much better enabled to accomplish their evil ends by device and stratagem.

I am well aware that, in some instances, tedious and protracted debates may be carried to too great a length; but as all human governments must necessarily bear marks of human frailty, and although this privilege, in large deliberative bodies, may sometimes be carried to excess, yet, sir, it is to the enjoyment of, and a full and free exercise of this privilege, that we must look for our freedom and independence, and the security of every thing that is most dear to us; and I apprehend much more danger from legislating too precipitately, than from the tediousness of investigation—and I think that almost every experienced legislator will agree with me in this opinion. And the moment you take away or restrict the privilege

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of debate in your legislative halls, you strike a fatal blow at the whole system of representative government. Then, I am not willing to place any restraint upon our successors; I hope they may be men who will represent faithfully the true interests of a free and independent nation, for ages yet to come.

Fallen, as the human family is, from a state of perfection, I cannot agree that if even the gentleman's proposition should succeed, and any calamity should befall our country, that would render it necessary for Congress to be in session eight months, but that there would be men, even in very limited circumstances, that would be willing to sacrifice their time and labor for their country's welfare. Much as I deplore the frailty of human nature, much as I feel the effects of it, I do most unfeignedly believe that it is sinking it far below its present dignity, to suppose that there is no such thing as disinterested patriotism, and that mere mercenary motives are the whole rule of action with all public men. If such is our deplorable situation, our liberties will soon be at an end, and the adoption of the principles contained in the proposition now before the House, in my humble opinion, would soon put it in the power of the most dangerous and mercenary to assume the control and evade the will of the people. I trust there are no such men within this hall, as would, from mere mercenary motives, detain the proceedings of Congress for the sake of daily pay; should there be such, which I hope there is not, I will close my remarks, by addressing them with a sentiment, which was suggested to my mind by a description given by my friend and colleague this morning.* I would say to them, that they ought to be afraid to tread the soil that had been enriched by the blood of the heroes of the revolution—that they ought to be afraid to visit the tombs of the patriots and sages who gained our liberty and founded our Government—lest the spirits of the departed brave should be aroused from their peaceful slumbers, and forbid the foul intrusion. We have been informed that our names will have to appear on this question. I am willing and prepared to record my name, both against the amendment of the gentleman from Massachusetts, and the original resolution, not fearing the consequences, when I am in the conscientious discharge of my duty.

Mr. WAYNE next rose, but the debate was discontinued, the hour for considering resolutions having expired.

Mr. WICKLIFFE, in order [he said] to have the sense of the House ascertained on the resolution, as he presumed members had made up their minds on the question, moved to suspend the rule which confines the discussion of resolutions to one hour of the day. The motion was negatived.

BUFFALO AND NEW ORLEANS ROAD.

The previous orders of the day were, on the motion of Mr. HEMPHILL, postponed; and the House resolved itself into a Committee of the Whole on the state of the Union, Mr. HAYNES in the chair, and took up the bill making an appropriation for a road from Buffalo, in New York, to New Orleans, by Washington city.

Mr. A. H. SHEPPERD said, he rose principally for the purpose of offering an amendment to the bill now under consideration. I have hitherto forbore to do so, from a wish that my colleague [Mr. CARSON] should have an opportunity of offering one that was long since printed and laid on our tables; but as he has twice had the floor, and twice been induced to withhold his proposition, I now feel myself at liberty to present my own; the effect of which will be, as I intimated when I obtained the floor, to make up an issue different from that already pending, by pre-

senting something like an interplea in favor of the people east of the mountains, and bringing directly before the committee the relative claims of the different routes proposed from this place to New Orleans.

These examinations and surveys were executed by order of the Government, under authority of the act of April, 1824, directing the survey of such objects of internal improvement as might be considered of national importance. But while it is my purpose to show from them that the routes east of the mountains, as indicated by the reports of the engineers, and especially that termed the middle route, possess advantages superior to those west of the mountains, I must be permitted to express my regret that these documents do not furnish that accurate information so desirable in deciding the perplexing question of the proper location of this road: they exhibit a mere outline, without noticing many of the prominent difficulties or peculiar advantages characteristic of the face of the country through which these surveys are carried. I have understood, sir, that the visit of the engineers detailed on this service was known to very few persons throughout the line of their survey in the western part of North Carolina; and that they neither sought nor obtained, from intelligent individuals, such local information as might have tended to a full understanding of the advantages which that route presented. They seem to have travelled with the caution and expedition that might have been expected to characterize an excursion into an enemy's country. It is true that, at the time of the performance of this service, some of our southern politicians, both here and elsewhere, had assumed a rather threatening attitude in their denial of the power of this Government to execute surveys, and construct roads and other works of improvement, in the several States; but whatever reason this might have offered for a careful and unobtrusive passage through other parts of their journey, yet, in North Carolina, these Government officers had nothing to fear—they were there, at least, on neutral ground. Not that the people of that State are indifferent to, or united in their opinions as to the powers of the General Government upon this and other subjects, but, influenced by that spirit of concession and compromise which gave existence to the constitution, they are prepared to yield much; yes, sir, they would pause long before they uttered even a gasconading threat of opposition to this or any similar act of authority on the part of the General Government; and though they may believe that, in many acts of legislation here, a due regard has not been paid to their interests, their complaints will be found to mingle with them no spirit of resistance—no sentiment of disunion. This is a subject that they have not been taught to think or talk about; and I, sir, am the very last man on earth that would attempt to teach them so fearful a lesson. But I return to the immediate question before the committee. The gentleman from Pennsylvania [Mr. HEMPHILL] asserts that the western route, the one embraced in the bill, has decided advantages over any other; but he has not told us to which of the routes his assertion is intended to apply; or, is he ignorant of the fact that two directions and two distinct surveys west of the mountains have been reported? I may well suppose the gentleman from Pennsylvania to have fallen into this error, not only from what he has said, but from the fact that the gentleman from Tennessee [Mr. BLAIR] has triumphantly exhibited a chart of the route reported in 1826, and has referred to it as giving the only western direction indicated by the engineers; but, sir, I have procured from the Engineer Department, and now have before me, a map of a route which diverges from the first a few miles beyond Knoxville, Tennessee, crosses the Clinch river at Kingston, is then found winding its way through the Cumberland mountains, and toiling up Spencer's hill, and, after a fatiguing journey of many miles west of a direct line, it reaches Huntsville, in Alabama; and from thence it is seen to encounter the Mus-

* Mr. Coulter described his visit to the public burying ground, and the inscription on Elbridge Gerry's monument, namely, "If a man has but one day to live, that day ought to be devoted to the service of his country."—Note by Mr. S.

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cle shoals of the Tennessee. Here it must cross the river; but by what means its passage is intended to be effected, the report does not inform us; it is thence, through many difficulties, conveyed to the Mississippi, at or near Baton Rouge; from thence it follows the banks of that river to New Orleans. This is emphatically the western route, the one particularly recommended by the gentleman from Virginia; [Mr. SMITH] yet, sir, notwithstanding the engineers report the distance of this line of road from Washington to New Orleans to be twelve hundred and eighty-two miles, and that of the middle route, through North Carolina, South Carolina, and Georgia, only eleven hundred and six miles, the gentleman from Tennessee [Mr. BLAIR] has roundly asserted that the western had the advantage in point of distance. [Mr. B. explained—he referred to that through East Tennessee.] I certainly should have understood the gentleman as he now explains himself, but he is still unsustained in his position; for the same report makes even his favorite direction longer than that of the middle survey: the difference is indeed inconsiderable; but it is decidedly in favor of my side of the mountains; but the other gentleman from Tennessee [Mr. ISAACS] will, no doubt, admit me to be correct, when I state that I understand him as joining the gentleman from Virginia, in recommending the road through West Tennessee. Taking this, therefore, as the western project, I will assume it as the standard of the comparison I intend to institute between the different lines surveyed. I have already shown that distance, a very important consideration, is decidedly in favor of the middle route; and I am equally confident that the facilities for constructing a good and durable road are also on my side of the question. It is true that the report exhibits little or no difference in this respect; but the gentleman from Tennessee [Mr. ISAACS] has himself furnished the proof that corrects the error of the engineers in this particular. He has shown the entire unfitness of his country for the making of even a tolerable way, according to the plan proposed by the bill; and it is so for the best of reasons—the great depth and richness of the soil of that favorite and highly favored region render it unfit for the construction of a road composed of earth only. This is a partial inconvenience that we have all understood to apply to the gentleman's country; but which need only to be stated, to convince us that its very existence implies an incalculably greater benefit in the abundant fertility of their lands.

Then, sir, whilst the bill proposes a road constructed of earth only, it is through the comparatively poor region of my State, and a large extent of the survey still farther south, that a soil will be found most happily adapted to its construction; it would not only be more cheaply made, but, when done, would be of a much more durable character.

But, in a commercial aspect, it is contended that the western direction possesses very decided advantages; yet, if I rightly understand the report upon this subject, even that authority will be found in favor of the middle route, for all purposes of internal commerce. By casting the eye over the surveys through East and West Tennessee, it will be seen that they are carried for many miles in a direction parallel to the course of the Tennessee, and other navigable streams, and often upon their very banks, or at the distance of but a few miles. Instead, then, of this improvement being called for by the absence of water communication, the road, if established as proposed by the bill, can only be regarded as an auxiliary or substitute for the navigable streams every where to be met with in its neighborhood, and running in the same direction. This is not only true in the State of Tennessee, but is remarkably so through a portion of the country still farther south; for not only are smaller streams to be accommodated with this road, but for at least three hundred miles it is found traversing the very banks of the Mississippi. Then, is it not evident that much of the country through which it will pass

is already provided with a much better means of transportation than would be afforded by the proposed improvement? Not so, sir, in the direction of the middle route; there we do not propose the absurdity of making a national road that cannot be needed; but, on the other hand, its construction in a direction different from that of the streams flowing to the Atlantic, must afford a very extended accommodation to the inhabitants of the intermediate sections of country, by facilitating the transportation of their produce, if not to the destined market, at least to some point from which they would have the advantage of water conveyance. A preference founded on this view of the situation of the country east of the mountains, is clearly intimated in the report of the engineers; and although it may not be found to obtain with equal force throughout the entire line of survey, yet its general existence affords a sufficient reason why it should weigh much with the committee in fixing the direction of this road. But there is in my part of North Carolina a description of trade that would be peculiarly benefited by this measure. We have much intercourse with South Carolina and Georgia in one direction, and Virginia in the other. To these States the farmers of my district of country are much in the habit of wagoning their productions, either for the purpose of exchange or barter, or with the more desirable object of effecting a sale for cash. I will not say, sir, that this trade exhibits the numerous caravans of wagons that we are told are seen crowding along the western road; but I will say, it is far from being inconsiderable, and is much increasing, especially in the southern direction, and is of sufficient importance to claim our attention in the consideration of this part of the subject.

The military advantages of this western road have been heightened and embellished by frequent allusions to the city of New Orleans, as not only the scene of military operations, but as the theatre on which imperishable renown was obtained. Every idea of defence connected with this road seems irresistibly to terminate at this memorable point. My colleague [Mr. CARSON] was certainly very happy on this part of the subject; and although I could but regard some portion of his argument as underrating the importance of improvements in time of peace, tending to security in time of war, yet the reasons offered by him were quite sufficient to show the utter inutility of taking this road out of its natural course solely with a view to the defence of New Orleans: for, whatever possible necessity there may be, at some future day, to muster the sons of the West at this far-famed theatre of war, I can but believe that they will find their way thither more cheaply and expeditiously through other modes of conveyance than that which this military road would afford; and, sir, I have not heard it contended in argument, that any other point on the line of this western road was likely to present a field for military operations—no necessity is intimated of saving us from ourselves in the West; for, whatever may be thought of the South, all is peace and quiet in that quarter—there the spirit of insubordination is not thought to threaten disunion, or endanger our repose—the only possible cause of apprehension arises from their assertion of claim to the lands of the Government; and, for one, I hope, ere long, we shall remove this source of contention and apprehended danger, by making distribution of them among the several States of the Union.

But, sir, should I even be disappointed in this favorite measure, they do not threaten the Government with a military array in the field of battle; but it is here, sir, in this hall of legislation, that we are told the Western States will soon embody themselves in such numbers as no longer to petition for, and receive as a boon, that which they will then claim and obtain under the semblance of right.

With a view, sir, still further to diminish the claims of the route east of the mountains, the gentleman from Pennsylvania [Mr. HEMPHILL] has said that we have on that

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side a dense population, and are consequently capable of defending ourselves. Admit, for the sake of argument, that this is now so; that, though presenting an extensive sea coast, assailable at numerous points by an invading foe, we require no interior preparations with a view to a state of war. I say, sir, admit the gentleman to be correct in this, yet I would ask him how long will this be so? Deny us this, and continue to withhold other benefits to which we are entitled; persist in a course of legislation imposing on us unequal burdens, and the already increasing tide of emigration will, in a little while, have so far diminished our population, as no longer to leave any pretence for the gentleman's assertion. We shall then be so insignificant, when compared with the population of the new States, as to cease, in their estimation, to be objects worthy of national interest or concern. Yet the gentleman from Pennsylvania, for a moment, seemed to present some faint hope of escaping from this melancholy fate: for, while inviting us to support this bill, we were assured that other portions of the country should hereafter partake of equal benefit: but this delusion lasted but for a day; for the gentleman from Tennessee [Mr. ISACKS] has explained what was meant by "other portions of the country:" he defines it to be the rich regions of West Tennessee, Ohio, and Kentucky; they are to be provided for by the gentleman's plans, but in none of their beneficent designs is my immediate section of the Union embraced. Relying, then, while we may, upon the important fact of our yet possessing the superiority in point of population, I feel myself justified in using it as a powerful reason in favor of my side of the question.

With us, sir, Government is necessarily the creature of those over whom it is established. Made and upheld by the will of the people, their adherence and attachment to it must ever be in proportion to the measure of benefit they receive in return for their contributions to its support. And although, as has been happily said by a gentleman from Rhode Island, [Mr. BURGESS] we cannot expect these governmental blessings to be dispensed among us with the perfect equality of the dew of heaven, yet it is but just that, in our acts of legislation, we keep an eye towards the attainment of so desirable an object. In relation to the subject before us, we shall certainly consult that principle, by accommodating the greatest possible number of our citizens. It is, therefore, desirable to see whether the bill, as now before the committee, conforms to this important end and design of legislation.

By reference to the report of the engineers upon this part of the subject, we learn that, by the census of 1820, the population of the counties and districts of country actually traversed by the western route, is at least one hundred thousand less than that of the middle route; and the entire population of the States through which these surveys are carried is at least one million more, by pursuing the middle or eastern direction, than it is along the western. Here, then, is a difference of no small amount, upon the score of population only; but, sir, when you add to this the very important fact, that this greater amount of population divides itself into a greater number of independent States, united with and acting politically upon the General Government, is there not a twofold reason presented in favor of the route I propose? By going west, you pass through Virginia, Tennessee, and Alabama; in the eastern direction, Virginia, North Carolina, South Carolina, Georgia, and Alabama. Thus, by the western proposition, as contained in the bill, North Carolina, South Carolina, and Georgia are wholly omitted, for the alone purpose of embracing the State of Tennessee. And, sir, friendly as are my feelings towards that State, and every other member of our Union, I cannot, I ought not to be expected to forget the superior claims of my own State: and, sir, let me not be charged with selfish and contracted views on this subject; for, whilst I readily

admit that, in acting here, we should, in the language of the gentleman from Pennsylvania, [Mr. HEMPHILL] regard ourselves, on all general questions, as merely citizens of the United States, I do believe I shall certainly sustain that character most essentially, not by seeking a benefit for North Carolina at the expense of Tennessee, merely because it is the State from which I come, but from the consideration, that, in the present instance, her accommodation is connected with a still higher object—the attainment of a greater national benefit than would be accomplished by omitting her interest. This view of the subject is offered, not in connexion with the idea that, under the constitution, we have not the power to do what we propose, but is intended to apply to this or any other subject of legislation, considered as a mere question of expediency and right among the several States: and, in this view of the matter, it cannot be urged that there is a corrupting tendency in this or any other measure, because it has the effect of improving the condition and increasing the prosperity of the people of the different States; for such an objection would deny all right of beneficence to the Government, and would give to it alone the odious power of taxation and oppression. By such an administration of this Government, the people of the States would soon become aliens in feeling to the Union, and would regard the constitution as not tending to promote the general good, but merely calculated to inflict upon them the evils, without the benefit of Government. Then, sir, while objects of improvement, similar to that now under consideration, have heretofore been undertaken and completed in other parts of our country, it is but just, and in conformity with the principles of equality, that some portion of the benefits resulting from such measures should be distributed in that from which I come; but, independent of this consideration, I think, in relation to the present subject, the line of survey through my State presents advantages superior to those west of the mountains. As a further argument in favor of our claim, I might advert to the peculiar hardships and afflictions of the people of that ill-starred section of the Union, arising, as they believe, mainly from the unwise and ungenerous legislation of Congress upon subjects vitally affecting their interests. But, sir, while I forbear doing out a list of our oft repeated wrongs, I confess I was but illy prepared to hear with patience the imaginary sufferings and privations of the West. The gentleman from Tennessee, [Mr. ISACKS] in his petition for the establishment of this road, occupied much time in describing the forlorn condition of the people of his country; he complained bitterly because there had been so small a portion of Government money expended among them; he spoke of the vast amount paid by that people for the purchase of their lands, the large proportion of taxes paid by them through the medium of consumption, and concluded by exhibiting the inhabitants of the extensive West as the eighth wonder of the world, in the fact that, though thus afflicted and oppressed, they yet lived! they yet survived! Now, sir, I cannot perceive any cause for the gentleman's admiration, and can but think that all he has said, when rightly understood, is not only compatible with their bare existence, but is just that state of things from which we might expect to find all that comfort and growing prosperity which I believe to be more truly descriptive of their real condition. It is true that, in most instances, they have had to purchase their lands, but at a price most abundantly repaid by their amazing fertility, producing not only what is required for their own consumption, but affording a large supply for the wants of others. That a people thus situated should be able to subsist, is, to my mind, no cause of wonder or astonishment; and, sir, though it be true that the General Government yet maintains its dominion over the unappropriated lands in all that region, our statute book abounds with almost innumerable instances of donations made to States, com-

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panies, and individuals in the West, for purposes of internal improvement, the establishment of schools, and for various other objects tending to improve their condition and advance their prosperity. To objects of this description, at least ten millions of acres have been appropriated; and so liberal has been the policy of the Government on these subjects, that applications from this quarter are seldom rejected: and but the other day, with a near approach to unanimity, we passed a law relieving the purchasers of the public lands from a large amount of their debt, contracted under the credit system. Admit, then, that it is true, as stated by the gentleman from Pennsylvania; [Mr. HEMPHILL] that the new States have not any funds in lands for making public improvements, who can believe that, if they had been the owners of the soil, they would, under their own policy and legislation, have applied so large a portion to these objects as has been done for them by this Government? Do not understand me, sir, as objecting to these instances of liberality, for many of them received my support, and, in giving it, I was uninfluenced with the hope thereby of obtaining any boon for my own State; (no, I disclaim the sordid idea); but I acted from the conviction that the prosperity of the West; or any other large section of our Union, was, in some degree, the prosperity of the nation. But, sir, if this and every other measure of internal improvement is to have a western direction—if the Southern States are to be wholly neglected under the operation of this system, and if we are again and again to hear the affected language of complaint from the West, then, sir, I am prepared to withhold my assent to any further appropriations in that quarter: justice to my constituents will require it—a regard to the principles of equality will demand it. We have also been entertained by the gentleman from Tennessee [Mr. ISAACS] with a sort of begging argument, founded upon the great expenditure of public money along our sea coast in the erection of fortifications, dock yards, and other works connected with the defence and commerce of the nation; and the gentleman has even objected to the contributions of the West in the building up of our navy—a measure in which he seems to think they have a very remote interest. Perhaps, sir, when more, and still more of the public lands shall be appropriated towards the improvement of the Tennessee at the Muscle shoals and other points of that river, the gentleman may be accommodated with a little navy of his own—one that shall be peculiarly western; and, therefore, unobjectionable to that gentleman. I was surprised to hear the illiberal and mistaken views contained in this part of the gentleman's argument; for, can it be said, with the least plausibility, that fortifications erected and designed along our extended and exposed Atlantic border are other than measures of strength and precaution, looking to the security of the nation generally? In consonance with this anti-national sentiment would be an objection on my part to the increasing expenditure of our military posts designed for the protection of our western frontier. These objects are alike in principle, and are both equally entitled to the support of those who consult the peace and safety of every portion of this Union. Nor should the gentleman decline a common interest in our naval armament, intimately connected as it is with the defence and commerce of the nation. He has told us that the people of the West are great consumers of imports, and, consequently, pay much indirectly to the General Government; and we are assured that this road is greatly needed to facilitate their supplies from Baltimore and Philadelphia; yet their arrival at those ports is intimately connected with these maritime expenditures of which the gentleman seems to complain: and, whatever comment or construction of the constitution may be necessary to sustain many other acts claimed on the part of the Government, these of which I have just spoken are conspicuously provided for in that instrument, and should be regarded

as not only national in their character, but indispensably necessary to the well-being, and even the very existence of the nation.

I might here, sir, conclude my remarks, having said all that I intend upon the mere question which I proposed to discuss; but I have alluded to an amendment, which, in conclusion, I intend to offer; and as I propose (should it be adopted) to vote for the bill, I hope I may be permitted not to enter into an argument in support of my opinion, but simply to say that I believe the power to do the act proposed does rightfully belong to the Government; and, in conformity to this opinion, I have, on former occasions, voted for measures not differing in principle from the one now under consideration. But, while sustaining this power of the Government, and acting upon the high conviction of its great importance, I have felt no little embarrassment for the want of the countenance and co-operation of yourself, and many other of our southern politicians; and though I cannot surrender my judgment on account of this discouraging reflection, yet I will not withhold the tribute of my respect, and even admiration, for the unshaken firmness and distinguished ability with which your opinions have been sustained. They have not yielded to those nice shades of distinction, which, in the opinion of some, may have been sufficient to obviate all constitutional objections, when the measure proposed happened to look towards their immediate constituents.

But, sir, were I to attempt an argument in support of my opinion, I could not rest it upon the distinction taken by the gentleman from Virginia, [Mr. SMITH]. That gentleman denies the right of the Government to make the road, yet he says we may appropriate the money for that object; Congress may give the essential means for constructing, but have not the power actually to construct or make; but, in yielding his assent to this bill, he virtually concedes the latter power, unless he intends to do the very idle thing of giving the money merely to be wasted and expended for no particular purpose; for if the road is to be made at all, the bill proposes that it shall be done under the authority of this Government, without the agency or superintendence of any other power. Perceiving this difficulty, he takes a distinction in favor of this road, and seems to admit that we may make it, not under the general powers conferred by the constitution, but under the compact entered into with Ohio, Alabama, and other new States, by which it is stipulated that five per cent. of the sales of the public lands shall be applied to the making of roads in or leading to those States; but certainly a compact with a State cannot enlarge the constitution, and thereby confer a power which did not exist independent of such agreement; this would be making the powers of the Government either greater or less, according to the terms of the bargain it might happen to make with the people of any of our territories, when applying for admission into the Union. Nor I perceive, according to the opinions of some, how the assent of a State could confer upon the General Government the power of acting upon a subject prohibited by the constitution. This Government, sir, with all its attributes, must exist independent of the will of any State; and while its powers cannot be curtailed by opposition, neither can they be enlarged by consent, except in the way pointed out for an amendment of the constitution itself. But, sir, while I deny the necessity of this assent, and its utter inability to confer power, it might often be prudent and wise, in many instances, to abstain from the exercise of federal authority, without the assent of the State or States to be affected by it; for, upon ordinary occasions, I would pause long, and consider much, before I would run counter even to the prejudices of the smallest member of this Union.

This I would do in the spirit of conciliation, and forbearance, and without yielding the right of this Government, when the public good imperiously demanded it, to

exercise all or any of its high functions, even in opposition to the will of all the States. It is not all that this Government can constitutionally do, that the harmony and prosperity of the States require to be continually called into action; but when emergencies of great national moment arise, or some general interest is proposed to be advanced, a liberal interpretation of its powers will often be found necessary to subserve the end and object of its creation. If, sir, we look within the limits of the mere letter of the constitution for the charter of our legislative privileges, there is scarce a page of our legislation that will not be found to have passed the pale of our authority. What words of that instrument give us the right to pension our citizens, and to appropriate thousands for their support? How have we relieved the sufferings of foreigners, when visited by any sudden calamity? How do we repair the ravages of fire in any of our own cities or towns? How will we sustain the long list of appropriations of the public lands to institutions for the promotion of science and objects of benevolence? These, and many other acts sanctioned by every Congress, and approved by all our Chief Magistrates, are, like the power to make roads and canals, not authorized by the express enumeration of them in the constitution; but do, in my humble judgment, conform to the spirit, scope, and design of those powers that are enumerated. But, sir, I do not intend a discussion of this subject, and will conclude by moving the following amendment to the bill:

[Here Mr. S. offered his amendment, proposing to strike out the western, and to insert the middle or eastern route, leaving the selection to the commissioners to be appointed under the provisions of the bill.]

Mr. POLK next rose, and said, that two of the delegation from my own State having given their views in support of this bill, I ask the indulgence of the committee whilst I endeavor, in a plain and practical manner, to assign the reasons of the vote which I feel constrained to give. My two colleagues and myself have been in the habit, during our service together here, of thinking and acting together upon most important subjects. Upon this we differ in opinion, and are compelled to separate.

My colleague, who first addressed the committee, [Mr. BLAIR] dealt with his usual candor. He informed us that the road contemplated to be made by this bill, addressed itself to the local interests of his constituents; that they were in favor of the road; and that his skirts should be clear of the imputation of disobeying their will. Yes, sir, the road addresses itself to the local interests of his constituents, and this is the evil of this and all similar propositions; it is the iniquity of this whole system of internal improvement; it does address itself to the local interests of sections; it deludes, and deceives, and misleads whole sections and communities; whole masses are bought up, and become advocates of this system, with the prospect of local advantage to themselves. They look only to their own local interests, and to the prospect of having disbursed, in their own immediate neighborhoods, large amounts of the people's money. Let me ask either of my colleagues, through whose respective districts one branch of road has been surveyed, if it were to pass on either of the other routes, if they would vote for it? If it were to pass on either the middle or the metropolitan route, would not nine-tenths, would not ninety-nine-hundredths of their own constituents, whose local interests would not then be addressed, think it wholly inexpedient, if not unconstitutional, to make the road at all? I repeat it: would either of my colleagues deem it a national work? Would they vote for it? They would not. And why would they not? Because, in their opinion, the western route is the best route, and the only national route. They think the western route the only true route. But the two gentlemen from North Carolina, [Mr. CARSON and Mr. SHEPPERS] to the local interests of whose constituents the middle route ad-

resses itself, have urged that that is the best route; that it is the national route; and, if it does not pass that way, they will vote against the bill. Nine-tenths, ninety-nine-hundredths of their constituents, if it does not pass on the middle route, will think it wholly inexpedient, if not unconstitutional, to make the road at all. One of the gentlemen from North Carolina, [Mr. CARSON] I believe, said that he would vote against the bill upon any route, but had warmly urged, if the road was made, that the middle was the only true route. Here is a conflict between sections—between masses of your population, whose local interests come in collision; and how are this Congress to decide between them? My two colleagues have stated in their places, that, in their opinion, the western is the only true route, and they think it would be inexpedient to make the road on any other. The two gentlemen from North Carolina have stated in their places, that, in their opinion, the middle is the only true route, and that it would be inexpedient to make the road on any other route; and, doubtless, there are gentlemen here residing on the southern route, who think that the best and only expedient route. The engineers, in their report, have cautiously left the scales equally balanced between these respective main routes and their several subordinate branches; and how are we to decide?

I know, sir, it is exceedingly popular to tell the people of any section of the country that the Government is about to expend large amounts of public money amongst them for improvements. But when you tell them that it is their own money, that they are taxed to pay it, and that there is a national debt to pay, will the people of any one section or district agree that it shall be expended in another, and for the local advantage of another? No, if they get it themselves, it is well; if it goes to their neighbors, it is unjust and all wrong. Sir, this is, perhaps, natural; we are selfish beings; and I beg my colleagues to understand me, when I speak of local interests, as not intending to apply my remarks to their districts exclusively; their constituents are like the constituents of other gentlemen, and equally operated upon by their local interests. I mean to show the effect generally, and upon all sections, of these splendid schemes of internal improvement which have been projected; of the hundreds of reconnoissances and surveys of roads and canals which have been made. I mean to show the delusion practised upon whole communities, whereby they are bought up to the support of these splendid schemes, by the lure of local advantages held out to them; by the promise to scatter and squander the public money in the construction of a road or canal, leading through their immediate neighborhoods, and, thereby, addressing itself to their local interests.

This bill, and the discussion we have had upon it, furnishes the best practical commentary we could possibly have had upon this system; and I beg leave to exemplify, by a particular examination of its details, the tendency and inevitable consequences of persisting in it. You are about to construct a mammoth road, fifteen hundred miles in length, from Buffalo, in the State of New York, to New Orleans, passing by this city; and you propose, by this bill, to appropriate two millions and a quarter of dollars, to be applied to this object. From this city to New Orleans, the bill provides that the road shall pursue the general course of one of the branches of the western route. This end of the road I will examine presently. From this city to Buffalo the road is not located to any particular route by the bill. It is to go from here to Buffalo, and that is the only designation. The particular locality is to be decided by commissioners. Now, how many reconnoissances have been made between these two points, and how many routes surveyed in this age of engineering? I hold a document in my hand, sir, from the Engineer Department, which is a perfect anomaly, and furnishes the best practical illustration of the practical operations of his

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system. By this document it appears that twenty-one distinct routes have been examined; and, take my word for it, every town, and village, and hamlet, and every mill, cross road, and tavern house, on each and every one of these twenty-one routes, expect this road; and each has no doubt that this is the only national way; and that on either of the others the road would be utterly useless and inexpedient. Yes, sir, there have been surveyed five grand routes, and fifteen subordinate or collateral routes, from this city to Buffalo, a distance of about three hundred and seventy-five miles. The five grand routes are designated in the report of the engineers:

- The Eastern route,
- The Western route,
- The Painted Post route,
- The Pine creek route,
- The Direct route.

The eastern route has been surveyed in nine different directions. One of these is to pass "Fredericktown, Gettysburg, Carlisle, Millerstown, Lewistown, Karthaus, Driftwood creek, Port Alleghany, Olean, Aurora." The people on this route, and in these towns, if they are like all others whose local interests are addressed, will have no doubt but that this is the only proper route, that is, the only national route; and they will be greatly dissatisfied if they do not get the road. But on eight other branches of the grand "eastern route," each passing through other towns and other neighborhoods, the people will have as little doubt that theirs is the national route, and that they are entitled to the road. The grand "western route" has been surveyed in three different directions; one of these is to pass Hagerstown, Loudon, Huntington, Philipsburg, Trout Run, Instantur, Ellicottsville, Barton. In the estimation of the people on this route, this would be the national way, and they would be entitled to this great road. But the grand "Painted Post route," (and I frankly acknowledge that my limited knowledge of the topography of the country does not inform me where the "Painted Post" is,) with its four distinct branches, are, no doubt, exceedingly national; and each branch of it exclusively so, in the opinion, at least, of those whose local interests are addressed by it. One of the four branches of this route would pass Westminster, Siddons town, Valley of Susquehanna, Williamsport, Peters's Camp, Bath, Mount Morris. But the grand "Pine creek route;" aye, sir, the grand "Pine creek route," with its four distinct subordinate branches, must not be overlooked. Doubtless that will be the most national route of all, at all events in the opinion of the settlers on Pine creek, (I suppose there is such a creek from the name of the route,) and by the people in the neighborhood whose local interests are addressed by it. One of the four branches of this grand route will pass through Wormleysburg, Uniontown, Jersey shore, Cowdersport, Oswego creek, Olean, Aurora. And, lastly, in this document, comes the "direct route," which would pass Weedsborough, Shippensburg, Valley of Driftwood creek, Barton. Here, then, sir, in the rage for engineering, surveying, reconnoitering, and electioneering, during the last administration, the hopes and expectations of a whole scope of country near a hundred miles in width, filled, I admit, with as virtuous and respectable a population as any in the Union, on twenty-one distinct routes for this road, have been raised on tiptoe. Each expects, and each has no doubt that it is entitled to the road. The hopes of all are kept up. The representatives of each and all these routes vote for this bill. But all cannot be gratified. Twenty of the twenty-one routes must be disappointed; and if this bill located the road to some one of the routes definitely, I have my doubts whether the representatives here of all the other routes would not vote against it. It is not the policy of the friends of this project to locate the road definitely in the bill, for they might thereby lose votes from the other routes, and the bill

might be lost. Why are not the friends and advocates of this bill willing to designate in the bill the precise route of the road to Buffalo? Evidently from the conviction, on their part, that they would lose the support of the representatives of all the other routes. I appeal to gentlemen themselves, who support this bill, if this is a fair and statesman-like legislation. If the road must be made, why not fix the route in the law which authorizes its construction? Sir, we all understand how it happened that these several routes, twenty-one in number, came to be examined by brigades of topographical engineers. The examinations were made through portions of Maryland, Pennsylvania, and the western part of New York, during the last administration, and during the heat of the canvass for the last Presidential election. Some hopes were, likely, entertained, that these respective portions of the country might give their support to the then administration in the ensuing election. And, in order to stimulate the people, and ensure (as it was supposed) their support the more certainly, brigades of engineers were sent out in twenty different directions, to survey a great road. This powerful and delusive branch of Executive patronage was employed to induce whole sections, whose local interests were addressed, to believe, that, if they wanted this road, the best way to secure it was, to support the then administration. We have all seen and known the powerful effect of these reconnoissances of the United States' engineers through the country. I speak not of this project alone. Why was it that this road to Buffalo, all of a sudden, should have been deemed of so much national importance? Why should the delusion be kept up any longer? The certain effect of this system, as exemplified by this road, is, first, to excite hopes; second, to produce conflicts of section arrayed against section; and, lastly, dissatisfaction and heart-burnings amongst all who are not accommodated.

I come now to examine the southern portion of this road, that from this city to New Orleans. Three grand routes have been projected: the eastern, the middle, and the western, each with its subordinate and collateral routes. The distance between the extreme points of the western and eastern routes is near six hundred miles; and the first thing that forcibly strikes the mind is, that here is an immense country, the extreme lateral points of which are six hundred miles apart, each and every portion of which has been flattered with the hope, excited by the visit or reconnoissances of the United States' engineers, that each would have this great road to pass through each respective section of country. This bill provides that it shall be taken upon the general direction of the western route, as surveyed by the United States' engineers; but does any one know, can either of my colleagues tell me, where its precise locality will be? On the western route, from Washington as far as Lexington, in Virginia, we are informed, by the report of the engineers, that "two directions have been examined in relation to the western route, one through Rock Fish Gap, the other through Snicker's Gap." The people on both doubtless expect, but both cannot get it. From Lexington it passes Abingdon to Knoxville. At Knoxville the route forks. The main route, first surveyed, diverges from that point to the left, passes New Philadelphia, Athens, enters Alabama, passes Centreville, Demopolis, and thence to New Orleans. The other branch from Knoxville passes the Crab Orchard, Sparta, Winchester, Huntsville, in Alabama, thence to Baton Rouge, to New Orleans. The bill does not determine which of these routes it is to go. If it should be located on the New Philadelphia route from Knoxville, as one of my colleagues, [Mr. BLAINE] if I understood him, contends it ought, it will not touch the district represented by my other colleague; [Mr. ISAACS] it will not then address itself to the local interests of his constituents; and, in that event, I desire to know whether he will consider it sufficiently national to vote for it; would

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he be willing that the money of his constituents should be expended to construct it on any other than his own route? I shrewdly suspect he would not. If it so happens that it should not cross Cumberland mountain at all, his constituents will be apt to think they have been badly treated, and that it would be inexpedient to make the road on any other route. And if it does cross Cumberland mountain, New Philadelphia and the people on that route will be dissatisfied. If gentlemen are determined to construct this road, I submit to them whether it would not be better to have the precise route fixed with certainty, by previous survey, and then consider of the expediency of passing a law to construct it. But that is objected to; and why? I know of no reason, except that the bill would lose some of its present support, by locating the road to any one route definitely. All those routes which did not get it would fly off and vote against it. I shall vote against this bill, let the route be where it may. I have brought to the notice of the committee the conflicting interests of different sections, and large masses of your population arrayed against each other, for the purpose of showing the corrupting tendency of this whole system, by addressing itself to the sordid interests of sections and localities. I speak of the tendencies and certain effects of the system. I do not wish to be misunderstood by my colleagues, or any one else, upon this subject. I do not intend to impute to them or their constituents any thing which does not equally apply to my own, and to the constituents of every other gentleman upon this floor. There are but few districts that will resist the lure of local gain, in the shape of a road or a canal, if you will hold it out to them. I have seen something of its effects in my own district. This same national road was mounted as a political hobby, three or four years ago, in that district. For a time, the people seemed to be carried away with the prospect of having millions of public money expended among them. We were to have a main route and cross routes intersecting the district in every direction. It was to run down every creek, and pass through almost every neighborhood in the district. As soon as there was time for reason to assume her seat, the delusion passed off. The people very properly reflected that the money to build the road was collected by taxes paid in part by them. They reflected, too, that the nation owed a debt of many millions, upon which a large annual interest was paid. Their better judgment taught them that it was time enough, if ever, to enter upon these splendid and extravagant schemes of internal improvement when the public debt was paid. And, sir, this is the conclusion to which the people of every district must and will finally come, when they properly understand the practical operations of the system. The delusion may, and probably will, continue as long as localities and sections are flattered with the immediate prospect of gain to themselves, at the cost of all the rest of the people of the Union. But, sooner or later, the veil which obscures the vision will be rent asunder; they will see the evil effect of this system, and put it down.

There is one remarkable fact attending the discussion of this bill; which illustrates the tendency of which I have spoken. Every gentleman who has advocated it, with the single exception of the honorable chairman who reported it, represents districts through which some one or other of the many routes of this mammoth road is expected to pass. Each advocates his particular part of the road, and seems to have but little care for any other. The gentleman from Pennsylvania [Mr. RAMSEY] advocates the Buffalo end of the road; that passes through his district. He says he leaves the New Orleans end of the road to other gentlemen who are interested in it. My two colleagues, and the two gentlemen from Virginia, who have addressed the committee, argue to prove the importance of the New Orleans end of the road; they leave the Buffalo end to

gentlemen who are more particularly interested in it. What does this prove, sir? Why, that we are each representing our own local interest; and to what will it lead, and to what has it led upon this very bill? To combinations of local interests, to effect that which no one local interest by itself could effect. Why was it that the road from Washington to Buffalo, and the road from Washington to New Orleans, were united in one bill? Was there any necessary connexion between them? Were they ever united before the present session? Was such a union ever dreamt of before? Am I at liberty to suppose that they were united for the purpose of combining local interests enough to carry the whole, but which neither, standing independent of the other, could effect? I put it to my colleagues, and to the two gentlemen from Virginia, to know if they would vote, if their constituents would justify them in voting away so large a sum of the people's money, to construct the road from Washington to Buffalo, if the New Orleans end of the road was struck out of this bill. Would the gentlemen residing on the Buffalo end deem it expedient to vote for the New Orleans end, if that to Buffalo was struck out? Sir, I beg gentlemen to trace the operations of these combinations of local interests a little further. I hold in my hand an amendment laid upon the table by a gentleman from Massachusetts, [Mr. RICHARDSON] a few days ago, and printed by order of the House, which he intends to offer to this bill, as soon as he can get the floor. I will read it. Sir, it proposes to extend the road "from Buffalo, in the State of New York, to the head of Lake Champlain, in Vermont, and thence to Boston, in the State of Massachusetts." If this amendment should be adopted, we shall have a gigantic, a tremendous road, indeed. A road from Boston to New Orleans. If this does not give strength enough to the bill to pass, add more to it. Extend it to Hartford, if you please; we may need a military road in that direction, in the event of another war. If this is not still sufficient, I see a bill reported, and now upon our tables, proposing to appropriate forty-four thousand dollars "to improve Back creek;" and where Back creek is, I am again at fault, no doubt from my want of knowledge of the geography of the country; but it must, of course, be a great national work. Add this to one end of this road; put on it "Conneaut creek" and "Cunningham creek," and divers other creeks, which I see have been surveyed by the United States' engineers as great national objects, and be sure that you unite local interests enough to carry the bill. This is the magnificent and beautiful system that is now in the full tide of experiment. Can we close our eyes, if we would, upon its unequal, unjust, and pernicious operation, both here and upon the community, if it is persisted in?

I have spoken of conflicts between sections of country, and between different masses of people arrayed against each other, and I have spoken of combinations of interests to effect a common purpose. These conflicts and combinations will exist, not only out of this House, but in it. They will exist here; and, by saying this, I do not wish to be understood as imputing any thing wrong to any one. It is the natural and almost inevitable consequence, if this system goes on. The combinations of the strong sections of the Union represented in this House will overshadow and overpower the weak; and in this general scramble for the public money, (for I can call it by no other name,) the weak will get no portion of the spoil.

I have taken this road as one out of the many objects of improvement which have been projected, to illustrate the evil tendencies and pernicious effects of this system generally. From a report of the Board of Topographical Engineers, communicated to Congress at its last session, I find that, on the 8th of December, 1828, there had been projected and surveyed one hundred and twenty-eight distinct objects of national internal improvement. Since that time we have no report showing the increased number. No one knows

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how many more there are. All, of course, great national works. The power to construct each and all of them, according to the doctrines of the advocates of this system, is derived either from the war-making, the commercial, or the post office powers. In this document we find, among other equally national works, the following truly important projects: "survey of Conneaut creek, with a view to its improvement;" removing obstructions at the mouth of Ashtabula creek;" "survey at the mouth of Sandy creek," &c.; and how many other creeks, of great national importance, have been surveyed and examined, I will not fatigue the committee by reciting. Each gentleman can examine this very interesting document for himself. One or two others, however, I must mention, before I pass from this document. I find, sir, a "survey of the Cobhoseconte canal route," a "survey of the Winnepiseogee canal route." (I do not know that I pronounce these names right. The learned gentleman before me [Mr. EVERETT] says I do. I am glad of it. I believe it is the first time I ever saw the words in my life.) But no doubt they are great national works. I find, too, there has been a "survey of the Sunapee canal route," a "survey of the levels of the Androscoggin river," a "survey of the Ammonoosuck canal route," and many other such great national works. Every creek, and mill path, and corner of the country, at which a United States' engineer touches, assumes, as if by magic, nationality of character. It is at once dubbed a great public improvement, and its construction by Congress clearly authorized, according to the doctrines of the advocates of this system, under the war, the commercial, or the post office powers: Whatever the President, or his engineers, or Congress, in their discretion, choose to denominate national works, become so *ipso facto*; but there is no security that what is national this year will continue to be so the next.

I have no means of calculating what the probable cost of constructing all the works contained in the long catalogue of projects contained in this document would be. I have understood that some general estimate has been made, by which it is calculated that it will require the revenue which we may have to spare, for more than half a century to come, to complete them. All cannot be constructed at once, and presently we will see conflicts between the friends of different objects for precedence in point of time. When we contemplate the illimitable extent of these visionary and wild schemes; when we see the abuses to which it has been, and may be, subject, in scattering and wasting the public money; when we see that it has been, and may again be, used as a powerful branch of Executive patronage, to buy up whole sections of country to the support of the "powers that be," even if there was an express grant of power in the constitution, ought we not to stop in our wild career, and pause and hesitate before we push it further?

I beg leave now to notice some of the arguments which have been urged in support of this bill, and to inquire what advantages would result, in a national point of view, from the construction of this road. I admit that good roads are an advantage to a neighborhood, or county, or State, or the nation; and if made by the proper authority, and if they do not cost too much, I do not object to them. But all roads are not national; and some of the benefits which my colleagues suppose would be derived from the construction of this road, in the manner proposed, I am sure are rather ideal than real. One of my colleagues [Mr. ISAACS] urged, with much earnestness, that it would be a saving of thirty-nine thousand dollars per annum in the transportation of the mail. A very short examination, in a more financial view, will show the fallacy of this argument. I understand that the average cost of transporting the mail in stages, on the present roads, from Buffalo to New Orleans, is fifty-two dollars per mile. The distance is fifteen hundred miles. At this rate, the amount paid annually is seventy-eight thousand dollars. This bill pro-

poses to appropriate two and a quarter millions of dollars to make a mud road. The interest for a year upon this sum, at six per cent. per annum, is one hundred and thirty-five thousand dollars. So that the simple interest per annum, upon the amount now proposed to be expended to commence this road, will be fifty-seven thousand dollars more than the whole amount now paid for transporting the mail on the present roads. Now the money, if left in the pockets of the people, and especially in the Western States, is always worth simple interest, and more; and will my colleague tell me where the saving, in a pecuniary point of view, upon which he dwelt with so much confidence, would be? If we estimate the value of this improvement by a calculation of dollars and cents, will there not be a clear loss instead of a saving? But the two and a quarter millions, to be expended under the provisions of this bill, will be but a small portion of the amount which will be required to complete it. This is only intended by the advocates of the bill to make it a mud road. It will not be more than sufficient to locate it, to clear out the brush, to throw up the earth and graduate it. To construct it upon the McAdam plan, the engineers, in their report, estimate that it will cost:

From Buffalo to Washington,	\$ 1,877,063 92
From Washington to New Orleans	5,997,802 30

Making a total of	\$ 7,874,866 22
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This immense sum, as all other estimates for similar works have proved to be, will doubtless fall much below the real cost. But suppose this sum to be sufficient to construct it, the annual interest upon it, at six per cent. per annum, will be four hundred and seventy-two thousand four hundred and ninety-one dollars and ninety-six cents. The interest upon the cost of construction will be more than six times the whole amount now paid per annum for transporting the mail. Where, then, will be the saving of which my colleague speaks? If we take the actual cost of the Cumberland road as the criterion by which to estimate the probable cost of this, it will amount to more than twenty-one millions of dollars; and the annual interest upon the cost will be more than a million of dollars. The road when made will have to be kept in repair; and if we take our experience upon the Cumberland road as any evidence of what is to occur upon this road when made, we shall be called upon annually to make large appropriations to keep it up. And if we do not make them, it will dilapidate and go to ruin. The States through which it will pass will have the humiliating honor of being annual beggars for life at your door, asking for appropriations to keep it in repair. This, sir, is the saving we will witness.

This great road, according to the arguments of my colleague, [Mr. BLAIR] is to constitute a great artery from the southern extremity of the Union to the northern border; it is to afford facilities for the marching of troops and the transportation of the means of defence from the interior to the extremes, in the event of war.

He insists that the munitions of war could be transported, the troops from Kentucky and Tennessee could be marched upon it in a much shorter time, to the defence of the southern frontier. Now, sir, all who will examine the map of these two States will at once perceive that it would require more time for an army from Kentucky and some portions of Tennessee to march across the country to get to this road, than it would to go on board a steamboat on the Ohio or Tennessee river, go to the South, fight the battle, and almost get home again. From Knoxville, by land, through Alabama to New Orleans, the way this road is to go is more than seven hundred miles. If this road is to be constructed, either for military or commercial purposes, or for the transportation of the mail, any one who looks upon the map will perceive that the proper route would be direct from Knoxville to Memphis, or some other

point on the Mississippi river, from which steamboats run at all seasons of the year. It would pass, on this route, through a portion of the country upon which New Orleans must depend for defence in the event of war; the land travel would be shortened from two to four hundred miles; and at the Mississippi you would be within two or three days of New Orleans.

If any road is to be made for national or for any other purposes, this is the direction it ought to take. The Legislature of Tennessee, at its late session, have said that the State contemplates making a road from the Virginia line to the Mississippi river; they have asked the co-operation of Virginia to extend the road through that State; and she has said further, that the only manner in which this Government could give any aid, in the construction of such works, "consistent with the sovereignty of the States, and the legitimate powers of the United States," was by subscription for stocks in companies incorporated by the States. I do not mention this to raise the constitutional question; I only mention it to show, if the friends of this system are determined to make this road, regardless of all consequences, they ought to make it in the most useful direction. I understand that an amendment will be offered to change the route to the Mississippi river; for that I shall vote, but will finally vote against the bill on any route. To East Tennessee, whether in a military or commercial point of view, if improvements must be made, I submit to my colleagues and to the committee, whether it would not be of infinitely more advantage, and at less than a fourth of the cost of this road, to remove the obstructions in the Tennessee river, and connect the waters of the Tennessee with the rivers flowing into the bay of Mobile by a short canal. Could not troops and the products exported reach the points of destination much earlier and much easier by water than by this road? As to military purposes, no enemy is likely to invade our southern border at any other season than in the winter, and at that season our rivers are always navigable. East of the Alleghany mountain, from Western Virginia, the road to market, or to the defence of Virginia, is to Richmond or Norfolk. There are already good roads made by State authority from Staunton and Charlottesville to Richmond. From this city to Buffalo, how a road was ever conceived to be of importance in a national point of view, I do not know. The gentleman from Virginia, near me, [Mr. MERCER] formerly at the head of the Committee on Roads and Canals, no doubt can tell. He has a peculiar felicity in nationalizing every object of improvement, whether it be the mouth of a creek, or a neighborhood canal or road. If that gentleman shall be blessed with a continuance of life and health for twenty years more, and continues in the service of this House, I have no doubt he will be the most voluminous writer of the age upon the subject of roads and canals. He will leave a posthumous reputation behind him that will live in the documentary history of the country. And it will be fortunate for him if that reputation sustains no injury; from the fact that he has largely contributed to fasten upon the country a system that will embarrass the finances, oppress the people with unnecessary taxation, and distract the harmony of the Union.

I cannot but express my utter astonishment and deep regret at the argument that fell from another gentleman [Mr. SMITH, of Virginia] in support of this bill. It is true this road is expected to pass through his district, and addresses itself to the local interests of his constituents; but he is the last man in the House that I should have expected to see shake and falter in his long settled opinions. It is the strongest evidence we could have of the effects of this system, when it addresses itself to the local interests of sections. In the course of a long service here, the gentleman has uniformly denied the power of this Government to prosecute this system. In 1824, his powerful mind operated upon this great subject, and he delivered an ar-

gument upon this floor, which gained him a reputation which I am sorry to see him about to impair. In his argument upon this bill, he still denies the power, not only to construct, but to appropriate money to construct, roads and canals within the limits of the States. He places his vote for this bill upon a ground which no one before had thought of. He places it upon the ground of compact with the States of Alabama and Mississippi, and says it rests upon the same ground that the power to construct the Cumberland road rested. Will the gentleman inform the committee, if the constitution does not confer the power upon Congress, (and he says it does not,) how it is that a compact or a bargain with a territory about to be admitted into the Union, or how it is that an agreement with a single State can confer it. What is the compact with Alabama and Mississippi? Nothing more than that which has been made with most of the new States, upon their admission into the Union. It is, that five per cent. of the nett proceeds of the sales of the public lands within their respective limits shall be reserved, three-fifths of which shall be applied by the Legislature of that State to make roads within the State, and two-fifths to the "making a road or roads to the said State, under the direction of Congress!" What is the compact with Ohio? It is, that one-twentieth, or five per cent. of the nett proceeds of the sales of the public lands within that State "shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass." Although the consent of Pennsylvania, Maryland, and Virginia, through whose territory the Cumberland road passed, from the navigable waters of the Atlantic to the Ohio, was given, yet, so strong have the gentleman's opinions heretofore been against the exercise of this power by Congress, that he has uniformly voted against all appropriations to construct or repair the Cumberland road. At the first session of the last Congress, at the very last session, he voted against an appropriation for this object. He now says that, under the compact with Alabama and Mississippi, if the road passes through any part of the territory of those States, we have the power to construct it; and as there is no point of beginning designated in the compact, we may begin it at Buffalo, or any other point, and run it through the territory of several intermediate States, whose consent has not been given. The consent of the gentleman's own State has not been given, and I shrewdly suspect will not be. The gentleman's argument amounts to this: that although in his opinion the constitution does not confer the power, yet, if you think proper to begin a road in one corner of Alabama or Mississippi, you may extend and ramify it all over the Union, and that, too, without the consent of the other States, upon the ground of compact. Surely the gentleman, upon further reflection, will not attempt to maintain this position. But, if he could, we are not authorized or bound, by the compact itself, to appropriate more than the five per cent. of the nett proceeds of the sales of the lands within those States. This bill appropriates much more. Suppose it could be placed on this ground, are Alabama and Mississippi asking for the execution of this compact, by passing this bill, or making this gigantic road? They are not. You have no memorials upon your table from those States for any such purpose. The representative from Mississippi upon this floor is opposed to the bill; the delegation from Alabama are divided; I understand a majority of them will vote against the bill. The gentleman must look out for some other ground—this certainly cannot be maintained.

The constitutional question I shall not argue or touch. It has long since been exhausted. But I beg to look at some of the details of this bill, and inquire of its advocates how they are to avoid some of the inherent difficulties

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which must present themselves in the construction of this road through the States. Commissioners are to be appointed to receive releases from the owners of lands over which the road is to pass. But, suppose the owners are minors, non-residents, or beyond seas, how are you to procure the release? Suppose the owner is unwilling to give it to you, will you extend the arm of the federal power, and coerce him? You have not ventured to put such a provision in the bill. That would be too bold. It might alarm the State sovereignties, and create resistance—constitutional resistance, I mean. It might produce collisions, difficult to manage, between the federal and State authorities. The same power that would enable you, by force, and against the consent of the owner and the State, to run your road through a man's plantation, would enable you to cut down his orchard, to demolish his houses, or to tear down court-houses if they stood in your way. Will you assume exclusive jurisdiction over the road, and punish offences committed upon it, by the federal judiciary? These are weighty considerations, worthy of much deliberation. If this road crosses the mountains at Rockfish Gap, it will intersect a State turnpike road, constructed by a company incorporated by the State of Virginia. Can this Government and the State of Virginia both exercise exclusive jurisdiction, at one and the same time, over the same space, and on the same subject matter? This turnpike company have vested rights under their charter, and the State of Virginia is pledged to guaranty them; and if their private interest should be affected by the construction of this road, and they should appeal to Virginia to make good her guaranty, is there no danger of serious collision? I merely throw out these things for the consideration of gentlemen, without intending to enter into the argument.

But my colleague [Mr. BLAIR] says that the question is settled; the constitutional question, I suppose, he means. Without admitting the fact, suppose, for the purposes of the present argument, that it was, is that any reason why we should vote for every visionary and extravagant proposition which shall be presented, under the guise and livery and name of internal improvement? Is it any reason why we should beggar the treasury, or postpone the payment of the public debt? But my colleague says that he would have the Government to do as he himself would do as an individual. If he had plenty of money, he says, he would buy a new coat; but if he had not, he would do without it. And if the Government has a full treasury, he would make a road. Let me ask him if he had plenty of money, as he calls it, and was indebted, if it would not be the part of prudence first to pay the debt, and then consider whether he could afford to get the coat? And if the nation is indebted, let me ask him if it is not the part of prudence first to pay the national debt, and then consider of the propriety of making the road?

I would next call the attention of the committee to an argument of an extraordinary character, used in support of this bill by a gentleman from Virginia, [Mr. CRAIG.] The gentleman, if I understood him, denied the power of Congress to make roads through the States, without the consent of the States; but, as this road passed through his district, and addressed itself to the local interests of his constituents, he concluded to vote for this bill, without the consent of the States. The reasons assigned for the vote were singular enough. They were, that the money was already in the treasury; and whether it got there constitutionally or unconstitutionally, it was the people's money, and we should not keep it on hand, useless and idle, but should distribute it amongst the people. The gentleman takes for granted a fact which does not exist. We have not a dollar on hand but what we have immediate use for, either in defraying the expenses of the Government, or in paying the debt. He seemed to suppose that the treasury was overflowing; that it was laboring under a dropsical affection; and he proposes to relieve it by tap-

ping. Now, I would say to the gentleman, that he ought to be certain, in the first place, that the disease exists. In my opinion, he has mistaken the symptoms. But, if it does exist, I have understood that tapping is a very dangerous operation, and ought never to be undertaken but by senior physicians, and then not until all other means to save the patient had failed. The honorable chairman of the committee, [Mr. HEMPHILL] who reported this bill, is a senior; but even he should not hazard so perilous an operation, without a regular consultation of political doctors. There is, I believe in some of the colleges, such a degree as bachelor of medicine; and those who take it are accounted junior members of the profession. The gentleman from Virginia, and my two colleagues, have taken this degree, but are not yet entitled to be ranked as seniors. The junior members of the profession ordinarily enter upon the practice by dealing in simples. They commence by drawing teeth, blood-letting, and administering simple sudorifics; but it is contrary to all rule for them to use the knife in difficult surgical operations. And I would say to my two colleagues, and to the gentleman from Virginia, that they ought to be exceedingly cautious how they enter upon the operation which they are about to perform; should take care that they do not draw off from the body politic too much of its substance, and thereby leave the patient in an enfeebled and sickly state. It might linger and die on their hands. Sir, to be serious, you are about to tap the treasury with a vengeance. I have taken some pains to ascertain the amount proposed to be appropriated at this session of Congress for objects of internal improvement. The amount proposed to be appropriated by the bills already reported upon this subject, and now upon the table, including the two and a quarter millions contained in this bill, amount to four million two hundred and thirty-nine thousand dollars for the present year. How many more projects are under examination in the Committee on Internal Improvements, I do not know; but we know we have a new bill reported to us almost every day. Have gentlemen looked to the state of the treasury to see whether it will bear these heavy appropriations? Will they invade the sinking fund, and check the payment of the national debt? We all know, that, besides the annual sinking fund of ten millions, whatever surplus may at any time remain in the treasury, over two millions is applicable, by the act of 1817, to the payment of the interest and extinguishment of the principal of the national debt. And whatever appropriations are made for objects of internal improvement, or for any other purpose other than the necessary expenses of the Government, is so much subtracted from the payment of the debt. I was sorry to hear one sentiment fall from my worthy colleague, [Mr. BLAIR.] In his zeal to pass this bill, he said he need not be told that the public debt must be paid before we go into this system. I differ from my colleague in opinion. We owe a debt of more than forty-eight millions of dollars, upon which we pay an annual interest. And although our public debt is small, and indeed very trifling, when compared with the British debt, and perhaps that of every other civilized nation in the world—I look to its total and speedy extinguishment as an event devoutly to be wished for. A part of it is a debt, not only of obligation, but of gratitude; a debt of the revolution; a part of the price of the liberty we enjoy. I am gratified that it is a part of the policy of the present administration speedily to pay it. I would make none but the necessary appropriations for the support of Government, and thus leave in the hands of the Executive all the means which the receipts into the treasury would furnish, to enable him to accomplish it. If, by large and extravagant appropriations, we absorb a large portion of the revenue in objects of internal improvements, its payment, *pro tanto*, must be retarded. I wish to see this nation exhibit to the world the rare spectacle of a great and a powerful people freed from her pecuniary

obligations; of a nation possessing vast resources, without a debt of a dollar. My colleague complains that large disbursements are made on tide water in fortifications, in building ships, in supporting a navy and army, in preparing the means of defence, and in protecting commerce; and he wishes to distribute a portion of the public money in other quarters of the Union. He does not expect an equal distribution under the operation of this favorite system of his, but he would have it so as nearly as may be. It is idle to talk about equality in this general scramble for the public crumbs. We will never get it. The system itself, if it goes on, is unequal and unjust, and we can never expect to receive our due proportion. We had better pay off the debt first, and then reduce the taxes, modify the tariff, and leave in the pockets of the people all that is not absolutely necessary for the support of Government. My colleague candidly admitted, in the course of argument, that if the money was collected by a direct tax upon the people, he would not vote to appropriate it for this or any other object of internal improvement. Now what is the difference? Do not the people now pay every dollar of the revenue by a tax imposed upon them, and paid by them, in a different mode? The tax collector, it is true, does not go to their doors, and demand and receive the portion of each. Each individual does not see the amount of tax which he pays go into the hands of the collector; but, notwithstanding, he pays the tax in the increased price that he pays upon almost every article of necessity which he eats, drinks, or wears. He pays it upon every bushel of salt he uses, upon every pound of iron, upon coffee, tea, sugar; upon every blanket and great coat that protects him from the inclemency of the season in winter. In short, every head of a family, whether rich or poor, pays a tax, and a heavy tax, in the increased price he pays upon every article himself or his family buys or are compelled to use, and which he does not furnish himself by his own labor or the domestic industry of his family. The revenue of the country is collected by a tax upon the people of the country. The tax is an indirect one. It is a tax on consumption; but it is as much a tax, and is as oppressive upon the people, as if it was a direct tax. According to the admission of my colleague, if the tax was paid directly by the people, so that each individual could see, and feel, and know, the precise amount which he did pay, he would not vote for this or any other appropriation for similar objects; but as the tax, although paid by the people, is collected in a different mode, and the people do not so well see and know the amount they do pay, he will vote for this and all other similar propositions; the argument is, in fact, this: If the mass of the people saw and understood the amount of taxes they pay, my colleague, and others who favor this system, would not, and dare not, vote to waste and squander public money in projects like this. There are not a dozen members upon this floor—I doubt whether there is a single individual, who would dare to support this system in the wild and visionary extent to which it has been pushed, if the revenue was collected by a direct tax, or if the amount of taxation actually paid under the present mode of collection, by imposts and duties, could be brought home to the knowledge of each gentleman's constituents.

The whole annual revenue of the United States, paid by the people in the shape of indirect taxation, may be put down in round numbers at twenty-four millions of dollars; it is about that amount. The aggregate of federal population, including three-fifths of the slaves, taken into the enumeration by the constitution, is about twelve millions of souls. Double the number of dollars, then, are collected than there are souls in the United States; so that every man, woman, and child, in the country, pays an average tax of two dollars per head. Each head of a family probably pays, upon an average, an annual tax of fifteen or twenty dollars. About half the annual revenue,

or about twelve millions of dollars, is required to pay the necessary expenses of the Government. For the necessary support of Government, the people, every where, will cheerfully submit to any amount of taxation. The other half, or about twelve millions of dollars annually, is applicable to the payment of the principal and interest of the public debt, unless it is diverted from that application by appropriations such as this. After the debt is paid, according to the present rates of taxation, the people will pay twelve millions of dollars per annum, or a dollar a head for every soul more than is required for the support of the Government. When the debt is paid, will the people of this country submit to pay this enormous and unnecessary tax, merely for the purpose of enabling their representatives here to scramble for it, and waste it by unequal disbursements in wild projects of internal improvements, or for any other purposes? or will not public opinion force you to reduce your taxes, and thus leave in the pockets of your people a great portion of what they now are compelled to pay? Sir, let me apply these palpable facts to my own State, to the districts of my two colleagues, and to my own district, and see how the account stands. The constituents of my colleagues and myself, and the mass of the people of Tennessee, are agriculturists. The population of that State is about six hundred thousand souls; and upon the supposition that they pay their ratable proportion of the annual revenue, (and no one doubts the fact,) they then pay annually, in the shape of indirect taxation, one million two hundred thousand dollars. Half this amount, or six hundred thousand dollars, goes to the support of the Government, leaving the other half, or six hundred thousand dollars annually, to pay the public debt, and, after the debt is paid, if the taxes are brought down to the necessities of the Government, leaving in the pockets of the people of that State six hundred thousand dollars per year, no longer required from them in the shape of taxes. Suppose this system of internal improvement should be persisted in after the debt is paid, and the people should continue to be taxed to raise money to carry it on; let me ask either of my colleagues if they believe that Tennessee, in this general scuffle, when all will be contending for as much as they can get, will ever receive six hundred thousand dollars per annum for her share? Will she ever receive back as much as she pays in? She will not. And if she did, upon what principle of sound political economy is it, that you will collect a tax from your people, for the mere purpose of re-distributing or returning it back to them? It will be impossible, under any system that you can adopt, to re-distribute the money to the different sections of the Union in the same proportion that it is contributed.

Is this system of excessive taxation to endure forever? And must this system of internal improvement be kept up for the mere purpose of absorbing the surplus revenue? Does any thinking man suppose it will, or can? There is one point, I believe, upon which tariff men and anti-tariff men are agreed, and that is, as soon as the debt is paid, at all events, gradually to reduce, and finally to repeal, the duties on all those articles which do not come in competition with our own manufactures. This will reduce the taxes upon all sections from seven to eight millions per annum. The surplus would then be from four to five millions per annum. Must this excess of taxes be kept up to carry on internal improvements? Will you still keep this surplus in the treasury, to wrangle and contend about here? Did any wise Government in the world ever tax its people more than the exigencies of that Government required? I know it is the policy of the friends of a certain system to keep up the high taxes; to procrastinate the payment of the public debt; and, when it is paid, to have a plausible pretext to expend the surplus that is not needed for any necessary purposes of the Government. Sir, it is as well to speak out plainly what I think of this policy. The "American system," as it is falsely called,

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consists of three things: it is a tripod, it is a stool that stands upon three legs; first, high prices of the public lands, to prevent emigration to the West, or, as the late Secretary of the Treasury, [Mr. Rush] in his report two years ago, said, to check by high prices the system of bounties which he supposed were held out to agricultural pursuits in the West by the low prices of public lands. Or, in other words, the policy of this branch of the system is, to sell your lands high, prevent thereby the inducements to emigration, retain a population of paupers in the East, who may, of necessity, be driven into manufactories, to labor at low wages for their daily bread. The second branch of the system is high duties, high taxes, the consequences of which are twofold; first, to protect the manufacturer, by enabling him to sell his wares at higher prices, and next to produce an excess of revenue. The third branch of the system is internal improvements, which is the sponge which is to suck up the excess of revenue which you collect from your people. These constitute the splendid system by which the people of a great portion of this Union are to be taxed, and oppressively taxed, in all time to come, unless the policy is changed. The people of the West will soon see, if they do not already see, their true interest. The speedy sale and settlement, at low prices, of the public lands, is the paramount interest of the West, and it is the true interest of the whole Union, with the exception of the particular interest I have mentioned. I would sell out the public lands at low prices—at much lower prices than they ever have been sold. I would have them speedily settled by a hardy race of enterprising freemen, who would feel that they had a stake in the Government. I would impose no unnecessary taxation upon them, to support any particular interest. I would relieve the burdens of the whole community, as far as possible, by reducing the taxes. I would keep as much money in the treasury as the safety of the Government required, and no more. I would keep no surplus there to scramble for, either for internal improvements, or for any thing else. I would bring the Government back to what it was intended to be—a plain, economical Government.

We had a party in this country and in this House a few years ago, who were proud to be called radicals, and who assumed to be almost the exclusive friends of a plain and cheap Government. We find but few of them here now. Many of them, I fear, have changed the red jacket for the white, and have hoisted a new flag. Many of them, I fear, have mounted this delusion, this splendid "American system," this grand scheme of spending millions of the public money in internal improvements, as a political hobby upon which to ride into power.

The history and present practical operations of the constitution may be dated at the peace of 1815. Before that period, the Federal Government performed the functions, which it was chiefly intended to perform, by the States who were parties to the compact, and who created it. Up to that time, the action of the Government was chiefly external; the attention of its rulers was mainly taken up in attending to our foreign relations. In the early history of the Government, and during the long continued wars in Europe, it required a most vigilant attention to preserve a strict neutrality on our part. We were threatened with war, our commerce and our rights were invaded upon the seas; we were driven to an embargo, to a system of non-intercourse, and finally into the war of 1812. During this whole period, the action of this Government may be said to have been external. At the restoration of peace in 1815, our difficulties abroad were at an end, our rights came to be respected by all nations, and the attention of the Government was turned internally. Since 1815, the action of the Government has been internal and essentially vicious; I repeat, sir, essentially vicious. There has been a constant tendency increased and daily increasing, to accumulate power in the federal head, and to encroach upon

the legitimate reserved powers of the States; a constant tendency to assume the exercise of doubtful constructive powers, and to build up here a splendid Government, differing, if this tendency shall continue, only in name from a consolidated empire. I was glad to hear my friend and colleague [Mr. BLAIR] say that he cherished the sovereignty of the States; and that he would have the Federal and the State Government each to move in their respective orbits, neither invading or encroaching upon the rights of the other. I heartily respond to this sentiment; but how my colleague reconciles it to the vote which he intends to give for this bill, I shall not undertake to decide. Upon the preservation of the rights of the States depends the perpetuity of the equipoise of powers between the Federal and State Governments, intended to be observed at the adoption of the constitution. The States will be the last citadels of your liberty; and so long as the wholesome check which they were intended to constitute upon the Federal Government remains, it will last forever. We are in no danger from a foreign enemy, who boldly shows himself, and lands upon our shore; we will meet him at the water's edge, and mark his approach by the blood of his soldiery. It is by slow and imperceptible assumptions of power on the part of this Government; that the balance of the constitution may be disturbed, and the liberties of the country undermined. I am not discussing the constitutional question involved by this bill. It has been my whole purpose throughout to avoid that, and to oppose the bill upon the ground of its expediency alone. I have been led into this digression by the sentiment that fell from my esteemed colleague, [Mr. BLAIR.] I shall not be provoked to depart from my original purpose by the broad doctrines laid down by my colleague, [Mr. ISACKS.] This is not the time nor the occasion to go into any examination of the nullifying power of the State authorities alluded to by him, nor to inquire how far the States may constitutionally resist the operation, within their limits, of powers assumed by this Government, which the States may suppose it does not possess. I only mention it now, for the purpose of saying that I cannot go with my colleague to the extent of the doctrines which I understood him to lay down.

Before I conclude, I beg leave to call the attention of the committee to a part of the message of the President at the opening of the present session of Congress. And if this system must go on; if we who are opposed to it are in a minority; if its friends are determined to press it; I call upon them to stay their hands for the present. Take the suggestion contained in the passage which I shall read as preferable to the present plan; husband all your means; pay off the public debt first; and then, if you are determined not to reduce the taxes, and there be a surplus in the treasury, "apportion it among the several States according to their ratio of representation." The passage to which I allude is as follows:

"As, then, the period approaches, when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress: and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation, and the construction of highways in the several States. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the constitution; while by

others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

"To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States according to their ratio of representation, and, should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a Government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised, and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the federal convention found it—in the State governments. Nothing is clearer in my view, than that we are chiefly indebted for the success of the constitution under which we are now acting, to the watchful and auxiliary operation of the State authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence, the federal system can never fall."

Who can read this passage from the message without yielding his conviction of the truth at least of some of the sentiments it conveys? Who can read it without admiring the honesty of the heart, and the soundness of the head that dictated it. Do we not all know, that, whenever power over subjects of internal improvement has been attempted to be exercised here, it has been "at the expense of harmony in the legislative councils?" Is it not, upon this very occasion, attempted to be exercised "at the expense of harmony" in our deliberations? Without feeling myself called upon now to express an opinion on the question of "apportionment among the several States according to their ratio of representation," or whether "an appeal to the source of power" would be "indispensable" to the exercise of this power, I have no hesitation in giving to it a decided preference over the present plan. There would be equality at least in the disbursement, if not in the collection of the surplus revenue.

[Here the debate closed for this day.]

TUESDAY, MARCH 30, 1830.

PAY OF MEMBERS.

The House resumed the consideration of the resolution offered by Mr. McDUFFIE, to curtail the sessions of Congress by reducing the per diem after a certain period.

Mr. WAYNE rose, and said he was opposed to the resolution proposed by the honorable gentleman from South Carolina, [Mr. McDUFFIE] and also to the amendment offered by the honorable member from Massachusetts, [Mr. EVERETT.] The adoption of either would be pro-

ductive of more harm than good—nor was there any thing in the past legislation of our country, or which had occurred at that session of Congress, to justify the changes suggested. I am satisfied [said Mr. W.] with the present arrangement for the sessions of Congress, and believe the House will come to the same conclusion, after mature reflection upon the subject.

The original resolution proposes that the compensation of the members of Congress shall be eight dollars a day for one hundred and twenty days, and, if a session shall be extended beyond that time, that the pay shall be two dollars per diem; and the amendment provides that the commencement of the sessions of Congress shall be on the first Monday in November, with a limitation of both to the 3d March.

The first is urged upon the grounds that there is a want of industry in this House, and that something is needed to coerce us to greater effort—that our inertness is caused by the mercenary consideration of daily pay—that it will save to the nation seventy-five thousand dollars; and that if the first session of each Congress shall be continued to its ordinary length, then eight dollars per day for one hundred and twenty days will reduce the daily compensation to seven dollars, which is said to be an ample allowance.

I shall examine each of these positions in the order they have been stated; and my reason for giving this formal investigation to a subject, apparently of no great importance, is the respectable source from which the resolution and the amendment came, and the disposition to prevent the mischief which either may do. If apology, however, were necessary, my justification would be found in the example of the honorable gentleman from Pennsylvania, [Mr. COULTER] whose acute and talented exposition of the reasons against the resolution, and of the consequences which will result from its adoption, must have commanded the approbation of the House.

The first consideration urged in favor of the resolution by its mover—a want of industry—is the assertion of a fact, and its truth must be ascertained before it can be used as an argument.

I am told by those in whose experience I have confidence, and the examination of our statute book confirms the declaration—that if the legislation of this session is compared in kind and quantity with that of any preceding Congress, it will suffer no disparagement by the comparison. Between four and five hundred resolutions have been submitted, three hundred and ninety-nine bills have been matured by the committees and laid upon your table, one hundred and twenty-three of them have been finally disposed of in this House, forty-one of which have received the concurrence of the Senate, and passed into laws; seven from the Senate have been acted upon here, and fifty-two from the same branch of the Legislature remain for our consideration. Of the bills which have passed into laws, it should be remembered, there are several of national importance, and among them, what is unusual so early in the session, and which should have conciliated the kindness of the gentleman, [Mr. McDUFFIE] is his own bill of appropriations for the ensuing political year. With this formidable array of business done, it is easier to make an accusation of indolence than to sustain it. No preceding Congress has done more so early in the session; and at the termination of this on the 15th of May, the time fixed for its adjournment by this House, in quantity at least, we may anticipate enough to entitle us to the commendation of our constituents, and from present appearances, too, without having the volume of our laws enlarged by any making extravagant and experimental expenditures for internal improvements which can never yield a revenue to our treasury, or by such laws as press upon the loins of national industry, to encourage manufactures. However, let me not be supposed to intend any injustice to the gentleman, [Mr. McDUFFIE] as it is now owing to his want of ability

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or exertion that we have not been relieved from the latter; and as to the first, without thinking, with some of us in principle, between whom it must be admitted there are shades of difference, he has already manifested a strong desire to retain the operation of his own sentiments upon the power, strictly within the bounds of judicious and national appropriations; and I cannot refrain from expressing the hope that this session will pass without a difference between us as to what works or subscriptions shall be considered entitled to his cautionary opposition.

But the charge of a want of industry in this Congress has gone out to the world, under the sanction of the gentleman's name, and upon such authority it will be believed, unless it shall be repelled by a detailed examination of preceding Congresses—not very interesting, it is true, but which may command the attention of the House from its direct application to the subject. And one other reason urges me to be particular. Having come into this House under the political revolution which the people thought the condition of the country demanded, it is not to be supposed, composed as it is of a moiety of new members, three-fourths of whom were chosen to sustain the present administration, that such a charge, involving them in a moiety of its discredit, will be permitted to pass without a refutation, even when made by an old member of this House, though he be one of the firmest and ablest supporters of our common cause. Such a charge may raise the maker of it in public estimation, but it will throw his associates into disesteem if it be not denied and disproved, and might jeopard the administration itself at the ensuing election, unless it shall be shown that those who are here and its advocates are worthy of being continued. Our adversaries, sir, are sufficiently talented and numerous, without giving to them additional strength by the voluntary condemnation of ourselves.

The examination of our statute book will show that every Congress, from the beginning of the Government until the expiration of the last, excepting the fourteenth, fifteenth, and seventeenth, occupied more time than will have been consumed in this, if the pressure of our engagements shall permit us to separate on the 17th of May, which every one thinks so probable, that no one event suggests an extension of its sitting after the 24th of that month. A reference to the forty-eighth chapter of the first volume of our laws, which gives the periods of commencement and adjournment of Congress from the year 1789 to the 3d March, 1815, will confirm the declaration just made, as regards thirteen Congresses, and the journals of this House will show it to be equally exact as regards the sixteenth, eighteenth, nineteenth, and twentieth. The exception of the fourteenth, fifteenth, and seventeenth—and to the fourteenth and fifteenth, the gentleman [Mr. McDuffie] alluded as examples of commendable industry, and of reproach to this—may be accounted for, that the country having passed from a state of war to peace, the occupation of both consisted in repealing the taxes which had been laid to meet the exigencies of the first. More than the half of their legislation was strictly private and local; that which was of a mixed character, relating to our public lands, was the resumption of what had been discontinued by the war, with which persons in and out of Congress were familiar. True it is, then, was the inception of our present restrictive commercial code, by the passage of the act “to regulate duties upon imports and tonnage;” and the time was made equally memorable by the grant of the United States’ Bank charter. The first, however, was passed with much less discussion than has been had upon bills having the same object in view since; though the tendency of that, in the subsequent claims which have been based upon it, was foreseen and foretold by some, whose warnings were unheeded, by the honest wish of many to make our nation independent of foreign supplies, without looking into futurity for its cost; and by others, who overlook-

ed consequences, in their eager desire to have the honor of its paternity. For the other, the bank charter, the public mind had been prepared by much previous discussion; by the existence of a former bank; by its plan having been matured in the recess of Congress; and because it was generally known that the then President’s constitutional objections to the charter had been subdued by painful recollections of the necessities of his treasury, and the rapacious combinations, during the war, to depreciate Government securities, issued in our hour of hardest trial, to supply its deficiencies. In referring to the history of that time, one scandalously inclined might also say, the salary compensation law, an immediate operation having been given to it, had its effect in causing an earlier spring flight than had been usual. I, sir, however, make no such charge; and in explaining the causes which enabled the fourteenth and fifteenth Congresses to adjourn the first session of both earlier than had been done before, I disclaim any intention to depreciate their industry, or assail their purity. I turn back to them with respect; for it was not until then that my mind began to pursue political investigations, or to think of public measures, either as to their consequences, or the principles by which they were to be sustained; and, from the reasoning of some of the prominent men of that day, my politics received a radical tint, which, as much decried as it was afterwards, is now the badge of many who would not then wear it, and is very fast becoming the national color, fatal as it was made to some who first raised it as a banner. There was inscribed upon it, judicious impost for revenue—proper expenditures for necessary national establishments, but nothing for patronage, and a limitation of the action of the Government to the text of the constitution—the best and only security for the perpetuity of the Union. The other exception of the seventeenth Congress is to be accounted for, from a part of the business of its first session having been done in the last session of the sixteenth, which was begun in November, three weeks earlier than the ordinary time of meeting.

Such is the fact, in regard to the time occupied in legislation, since our Government was organized, which of itself relieves this Congress from the imputation of any protraction of its sitting; and it shall be presently shown, if it is to be appreciated by the business done, it will have no cause to shrink from any contrast with the past. Nay, if the mere performance of duty could at any time justify exultation, it might be indulged by us, and those who have for some years preceded us, without any self-complacency, that the time passed in legislation has not been extended, if it is recollected how long the sessions of Congress were continued after the Government had been fully organized; when the subjects of legislation have been constantly increasing with this House, consisting of a fourth less number than it now has, for thirty years of our history, with all the rapidly progressive fluctuations of a population from three to twelve millions, living in twenty-four separate sovereignties, instead of thirteen. Sir, our predecessors were not drones in legislation; their labor is their eulogium, and ours shall be as well thought of hereafter; for I cannot be mistaken in believing that there is a spirit in this Congress, revolting at the slanders of inexperience and want of ability uttered against this administration, and determined, if they shall be permitted to do so, to make the effort to give to it as distinguished an elevation in the future annals of our country, as that which is held by the administration of its father and first President.

But it is urged, in proof of the propriety of limiting the first session of Congress to one hundred and twenty days, and as a reproach when it is extended beyond it, that the second session of three months is sufficient for all the purposes of legislation, and that as much is done in it as is accomplished in the first. The declaration was inconsiderate, for such is not the fact; and I ask the attention

of gentlemen, while I resort to detail, to sustain the contradiction of both assertions. By advertg to our statute book, it will be found that the business done at the first sessions of Congress has been, with little variation, the same, and that the proportions of laws passed at the long and short sessions do not differ materially, though those of the latter are in number but two-thirds of the former. But, to prevent too great a trespass upon the time of this House, and because it will suffice to establish our position, I shall adduce the business of seven successive Congresses, being one-third of the number which have been chosen under the Government. In the fourteenth Congress two hundred and eighty-seven acts were passed, one hundred and seventy-three in the long session, and one hundred and fourteen in the short. In the fifteenth Congress one hundred and twenty-four acts were passed at the first session, one hundred and nine at the second; and this near approach of the business of the last to the other was caused by the second session having begun on the 16th of November, three weeks earlier than usual. In the sixteenth Congress two hundred statutes were enacted in both sessions, but only sixty-two of them in the short. In the seventeenth Congress one hundred and twenty-nine acts were passed in the first session, one hundred and one in the second. In the eighteenth Congress two hundred and eleven acts were passed at its first session, one hundred and twenty at the second. The nineteenth Congress shows a result of two hundred and fifty-nine statutes, one hundred and one of which were enacted at the short session; and the twentieth Congress added to our code one hundred and fifty-one statutes at its first session, and sixty-five at its last. Thus, in seven Congresses we have an aggregate of one thousand seven hundred and sixty-six statutes, six hundred and seventy-two only of which were passed in the second or short sessions. And this difference in the business between the long and short sessions of Congress, notwithstanding that of the first is resumed in the second from the point to which it had been carried, by which members, having a preparation of some months for much of what is to be done, advance in it more rapidly. The amount of business done in the short sessions shows there is not time enough for all that is projected, or of which Congress have jurisdiction; and a more conclusive evidence of this fact cannot be furnished, than the business left undone in the session of the twentieth Congress, which may be taken as equally applicable to those which preceded it.

In the first session of the twentieth Congress three hundred and three bills were originated in this House, one hundred and nineteen were sent to it during the session from the Senate, one hundred and sixty-one of our own bills were left undecided, to be resumed at the second session of the twentieth Congress, and forty-nine of the Senate bills were not acted upon, which, having passed from the branch of Congress in which they were begun, had to be originated again at an ensuing session, under all the forms of legislation. Thus, sir, we see, there were two hundred and ten bills left undecided by the Houses during that session. The second session began its business by resuming the one hundred and sixty-one bills, which were the fruit of this House at its previous session, but for which there had not been season enough to mature; one hundred and fifty-nine new bills were reported, making an aggregate of three hundred and twenty bills to be attended to in three months. What was the result, sir? One hundred and nine bills of the one hundred and sixty-one were again left undecided, and one hundred and sixteen of the one hundred and fifty-nine reported at this session never reached a third reading; thus showing two hundred and twenty-five bills of this House alone left undecided during the Congress, and the sum total of its three months' legislation were sixty-two acts, nineteen of which were bills from the Senate in which the House concurred, and

forty-three of our own, out of three hundred and twenty, which during the session were on our calendar, or in the orders of the day. I have been thus particular, sir, not to vindicate this Congress alone from the charge of not having done its duty, but to show the source from which this accumulation of business flows, and to suggest the means to lessen its current. Some suppose it cannot be stopped, and that our sessions will have to be extended from necessity; and the real cause of delay is so much overlooked, that some even deem it a result of our biennial elections—a great constitutional feature in the Government, so much in harmony with its aggregate tendency, that it should not be subjected for a moment to the imputation of such slanderous consequences. The evil is, the mass of private claims of which Congress has taken jurisdiction, which occupy two days in each week, besides the time taken to receive the petitions relating to them, and which are more fit for judicial scrutiny than legislative inquiry. Relinquish our jurisdiction of these matters to a tribunal, which might be constructed and maintained at an annual expense of one-fifth of what it now costs the nation to attend to them, and one-third more time will be gained for national legislation, by which your sessions will be limited in the same proportion, besides securing to the country, and the persons interested, more speedy and ample justice than can now be done to either. This, sir, is the evil which protracts the sitting of Congress, to which the gentleman's [Mr. McDUFFIE] talents and influence should be directed to correct, and which, when corrected, will hasten our departure even before the day intended by his resolution, without restricting our official duties by law to a day, to be produced by the apprehension of members being left without a support if the session should be continued beyond it; and that, too, notwithstanding some pressing and unexpected emergency or interest might make it necessary for us to be longer in session. This latter consideration was happily expressed by the honorable gentleman from Pennsylvania [Mr. SCOTT] in his opposition to the resolution. Sir, the reform we need is, that of lessening the subjects of our jurisdiction, or to have nothing to do with private pecuniary claims; and, to produce it, I will become the gentleman's willing auxiliary. Nor should I ask him to take the lead in such an honorable enterprise, if my novice did not admonish me to keep in the back ground, though no one here has a better right to attempt it nor more able to accomplish it than the honorable gentleman. It should be known that of the disbursements of this session for this branch of Congress alone, which never exceed three hundred and sixty thousand dollars, one hundred thousand of it may be fairly charged to the time we are engaged upon private claims, strictly judicial in their character—all of which might be settled by a tribunal such as has been suggested, and which might be maintained at a cost of less than twenty thousand dollars per annum. Neither the fact nor the remedy proposed are mere suggestions. Examine the statutes of the twentieth Congress, or those of any preceding it, and one-third of the laws passed will be found to have been for private relief. I go further, sir. Look over the present calendar of private claims, compare it with those of other years, and mark how often there is the recurrence of the same claim. How Congress is occupied from session to session, year after year, until a generation has been comprehended in the pursuit, by the perseverance of claimants, either feeling that justice has been withheld, or hoping that importunity will extort what justice does not demand. Such a tribunal would, indeed, be an achievement worthy of the Committee on Retrenchment, to whom is to be assigned the honor of maturing the present conception, if it shall receive the approbation of this House. The more this subject shall be scrutinized, the stronger will be our conviction that the time consumed upon private claims, and which is forced upon

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Congress by their number, is the principal cause of its protracted sitting. The gentleman and myself, it will be perceived, have the same object in view—to lessen the time of our stay here, but we differ as to the mode of effecting it.

There are causes, however, which should not be overlooked, growing out of the nature of our institutions, which have, and will always give to our legislation the semblance of delay, and which, in connexion with the facts already stated, fully account for the protracted period of our sessions. They are slight inconveniences, inseparable from their source, differing entirely from those delays caused by our neglect or want of sagacity. In our work of reform, to make it improvement, we must distinguish unavoidable from adventitious evils, and be careful not to confound them. In the remarks, therefore, now about to be made, complaint is not intended, nor is correction believed to be practicable; they are only illustrative of some of the causes which extend the first session of each Congress to a late day in May. The constitution and laws require the President and the heads of the departments, at the opening of each session of Congress, to give a detailed exposition of national affairs. These documents are voluminous; and with all the effort of the most industrious printer, provided with the most extensive establishment which private means can acquire or support, they cannot be printed in less than three or four weeks. The constantly occurring business of the House, from day to day, make such draughts upon the press also, that these documents cannot be given to us in less time than has been just said. It is believed not much more printing is done than is necessary; though a change may be made in the mode of doing it, by which a part of the expenditure on this account may be saved. The extent of it, however, will surprise even ourselves, when thus definitively stated. Sir, there have been already laid upon our tables eighty-five Executive documents, four hundred bills, and three hundred and thirty-seven reports from committees; and of the first, four hundred and thirty copies of each were struck off; and of the others, six hundred and thirty. The Executive documents are laid upon the table at different times; but it does not always happen, nor can it be so, that they are brought to us connectedly as regards the subjects to which they relate; some days after they have been received, will pass, before members can be prepared even to propose the important legislation which they suggest. Whatever shall be done, must be begun either upon motion for leave to bring in a bill, or in the almost invariable way of resolution, to commit the subject to one of the standing committees, or to select one raised for the purpose. As is natural, debate begins at the inception of the proposition, which, though sometimes too much extended, is not without benefit, as it enables the House to arrest a mischief at once, or, by developing the objects of the mover, instructs the committee upon the points most material to be investigated; for, from the brevity of the resolutions, the sum total of the information intended to be reached is as rarely displayed in its particulars, as the human countenance rarely portrays the ruling propensities of the man. The one tells the main object, as the other does the strong passions of which he may be the victim. Thus, what to an ordinary observer seems to be delay, is no more than deliberate action; and these rules of proceeding have been well said to be “a check and control against the attempts of power.” And it also often happens, that very unexpected calls are made by both Houses of Congress at the same time, upon the same department, for information upon subjects entirely disconnected. Notwithstanding the division of labor in the departments, and the utmost energy of their chiefs, a fortnight or a month will often intervene between the call and the answer; and, after it is made, some days will pass before it can be printed. And, sir,

permit me to remark, that these calls are answered with a minuteness, compared with information of the same kind given by other Governments, and which may be examined in our library, showing the acknowledgment of a responsibility from our highest functionaries to the people; unknown and unfelt by the officers of any other nation in the world. It is an allowable source of pride, and a strong proof of the permanency of our system. In proof of what has been just said, I refer to the call made by the honorable gentleman from South Carolina, [Gen. BLAIR] upon the Secretary of War, for information concerning our military school. Every particular which has been stated relating to such calls for information, or as regards the time of preparing and printing them, as well as in the characteristics of minuteness and responsibility, may be affirmed of this document. Such calls are intended to be the basis of important legislation, which will rarely be matured if no alteration shall be made in the subjects of our jurisdiction, and the session shall be limited, as is proposed by the resolution. In stating the causes which delay proceedings in the beginning of the first session of every Congress, it should not be forgotten that in every Congress there are many new members, unaccustomed to legislation, unwilling to obtrude themselves upon the notice of the House, unacquainted with their own strength in this new scene of action, and ignorant of the actual strength of those who have been here before them. The half of this Congress are new members, who are here for the first time; they have been desirous to have the way shown to them by their seniors; and, not having been very prominent in debate, must be exempted from the charge of having protracted the session, either by their listlessness or loquacity. Coming, sir, as we do, from many States, all of which, except four or five, are divided into districts, upon which the legislation of this House bears, or is desired to be brought to bear, it is probable each member is charged by his constituents with something particularly interesting to them. Shall not a little time be allowed to us to become familiar with our novel position, for the consideration of what we may propose? or shall the provision in the constitution, graduating representation to population, be made virtually to mean that their representative is not to be heard? By having shown, sir, that our long sessions are principally caused by the subjects of our jurisdiction, by our rules for doing business, and that they are, in some measure, an incident of our institutions, the accusation of voluntary protraction is refuted, and the propriety of rejecting the resolution made manifest.

In regard to inertness from mercenary motives, though such an imputation has been disclaimed by the honorable gentleman, [Mr. McDUFFIE] and I do not believe in his observations he meant to make it; if it had not been disclaimed, it could have been met but in one way, and that would have been by saying, a charge so disreputable in mass, no one will venture to make particular in its application. But, sir, though it was not intended, it is implied by the terms of the resolution, for if it be not addressed to an existing corruption, it is meant to act upon our fears, which is not less disreputable. What is the resolution? The compensation shall be but one-fourth of what it is to be for one hundred and twenty days, and this reduction is the penalty for not having done in that time all that the exigencies of legislation may have required. If it be not in the nature of a penalty, one or the other of these consequences must ensue, either that the sum then to be allowed is always sufficient, or that the laborer deserves as much for his services after the time proposed by the resolution for the limitation of the session, as he received before it. It may be that there are persons here who would protract the session from sordid calculations, but we must presume they are in number too small to give decisive results to their wishes. But allow them to be numerous; how can

they operate? The motive is too mean for avowal and concert, and a general indolence would be counteracted by the heads of committees, who control the business of this House, and no one of whom can be supposed to be of the number of the delinquents. Can there be among them any who, by mind, education, or character, are fitted to take an active part in our proceedings, and I trust I may say, without being suspected of spreading a general uncton of flattery over ourselves, that a very large majority of such are here, to countervail the sordid selfishness of any of our associates. The insinuation includes more than is supposed by those who indulge in it, or who believe that its existence has any influence upon our proceedings. It is not that a small number are so mercenary, but either that a majority are so, or that a large portion of the majority are the auxiliaries of its influence. But, sir, neither this House nor any part of it is liable to the charge; and I invoke the feelings of human nature in its vindication. Of whom is Congress composed? Of fathers and husbands used to the quietude and sweets of domestic life. When deprived of them for a few months, our hearts burn with a fondness to partake again of their enjoyment, which even avarice cannot control. The affections trample down every impediment in the way of their gratification; nor is their restlessness appeased until we are in possession of the objects of our love. The resolution has also been recommended to us upon the ground that it will lessen the expense of each Congress seventy-five thousand dollars. I think a more certain way of doing it has been shown, and, I repeat, the only difference between the gentleman and myself is as to the best way of doing it. It is certainly worth considering; but I would also remark that all saving is not economy. An investment is often made by individuals and nations, which brings a moral and political return far beyond the value of the expenditure. And, unnecessarily spent as this seems to have been, has it been productive of no good? Is the information spread abroad by our debates no credit to which Congress is entitled? Or, is it seriously believed, as gentlemen have impatiently declared, that our great evil and cause of delay is the prevalence of debate. Sir, much of our legislation is private, strictly so—much local; both involving a knowledge of many particulars which we should have, and can only acquire by patient listening, to enable us to vote understandingly. We have two things to do: first, to convince ourselves that we are acting right, and, by telling our reasons, to convince our constituents that we have done so. And uninteresting as the greater number of speeches may be that are spoken here, they are instructive to the people. Cut off this source of information—close your doors against your reporters, or, what will be the same, pass every thing because your committees have recommended it, or reported a bill—reduce the reasons for all your measures to plain narrative, divested of all the charm, collision, and acuteness produced by debate, and half of the dignity of your Government will have been sacrificed, and our responsibility be lost sight of, in a general indifference to our proceedings. It is this indulgence of debate which tells the constituent of the real attitude and weight, here, of his representative; and it is the expectation, upon the part of the people, that it will be indulged and exhibited, which throws into the House so many possessing the talent. They know that our nation was spoken and written, as well as fought, into existence; and that, in many perilous periods of our history, the soldier's arm was nerved, and his heart warmed, with a hero's patriotism, by the animation of the orator. But, sir, I dismiss the subject, because, as yet, we are the only complainers, and our constituents have not admonished us that they think it an evil.

There is a remaining consideration upon which the adoption of this resolution has been urged, and which is entitled to a remark. It is, that the compensation of members will be reduced, even if the session shall be extended

to its ordinary length, to still an ample allowance. I do not intend to dispute the sufficiency of the sum which will be received under such circumstances; but, without intending now to compromit myself to any course when the subject shall be directly presented to us, I cannot refrain from observing, if the reason given for it be correct, that it should be applied to the compensation of every officer in the Government, at least to all whose salaries have been increased in the last ten years, and which were not before absolutely insufficient. Such a work of reduction must be carried on in the gross; and when begun, though it may be an evidence of our sincerity and disinterestedness to become the first victims ourselves, it will not be esteemed abroad a proof of our sagacity, if we do not give to others a chance for the honors of such martyrdom. What, sir! money more valuable to us now, by fifty per cent. than it was twelve years since, when the question of compensation was settled between this House and the people, by the repeal of the salary law and the enactment of the present allowance. If our purchases were confined to the actual sustenance of life, as the same sum now will buy half as much of food again as it would have done then, and the consumption of men not having increased, the proposition would have the aspect of correctness. But if it be tested by the endless expenses required and forced upon us by our social condition, by the comparative prices of labor then and now, by the reduction, in our country, of every agricultural product, and the enhancement, by our tariff, of almost all that we use, it will be found we have already paid a full price for this nominal appreciation of money. If invested in stock, does it give a larger interest than it did then? In the purchase of property, though it may get double the quantity by metes and bounds, will it yield a greater revenue, or is the prospective increase in the value of property, in any part of our country, at a given time to come, more than will be its present price with legal interest? Money is in value what it was, though paper is not so plentiful. It is fortunate that paper does not circulate to the same extent that it did twelve years since, by which an artificial value had been given to all kinds of produce and property; but though, by its withdrawal, we have been restored to a wholesome condition, a painful reaction was produced, from which the people of this nation are not yet relieved, far outweighing to them any additional value which the circumstances may seem to have given to money. Sir, money is the same in value that it was then, and will always, in commercial countries dealing extensively with others, be liable to be affected by causes which cannot be foreseen, and the products which it buys and itself reciprocally act upon each other. Things may be less in price, without money being more valuable to a community at large. Money is no more than an exchangeable medium for commerce, forced into use from its being a material more convenient than any other we have, as an index of value for other things; and the fluctuation in the quantity of produce which portions of it will buy at different times, is neither a certain evidence of general prosperity or declension—a proof that it is more or less valuable to the laborer, nor any criterion for altering the allowance of such as are in the public service.

A word, sir, upon the amendment of the honorable gentleman from Massachusetts, [Mr. EVERETT.] It is objectionable, because it will in effect produce the same limitation to the first session of Congress as the original resolution; and, by a comparison of the time of meeting which it proposes, with the ordinary periods, it will produce so little saving, either in time or money, that it may be viewed only as a question of convenience whether Congress shall commence its session in November or December. In my opinion, the present arrangement is more suitable to our employments as a nation. The inclement weather of the North puts a stop to all agricultural field

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work, and drives its inhabitants to in-door occupation. The professional man retires to his books, to prepare for spring and summer labors; and, in the South and West, from our times of harvest, the planter and farmer need the month of November to make arrangements for the transportation and sale of their produce. At no time can we come to the business of the nation, so little burdened with cares of our own, as that which has been fixed for the beginning of our sessions.

A word more, sir, and I shall have concluded. I know there are gentlemen here with whom I am politically associated, who will vote for this resolution, because they believe the nation already oppressed by too much legislation, and that, by limiting the session, there will be a greater probability of being relieved from much which is intended to bear upon foreign commerce and southern interests. I warn those gentlemen to beware of doing an act which will permit our adversaries to augment our grievances, and, at the same time, to take from us the privilege of complaint, and of exposing their principles. Limit your sessions, without abridging the subjects of your jurisdiction, and the pressure of business will give a plausible excuse for stopping debate. And, from his experience this session, does not the honorable gentleman [Mr. McDUFFIE] know that it will be done? Sir, if my friends, dispirited by frequent discomfiture, believe no good can be done by entering again the battle ground of their distinction, let them remember we need time to undo some of what has been done; that it is by the discussion of our principles in this House, that they are to become triumphant and national. And let them be persuaded that they have recruits here from the people, ready to aid in a renewal of the controversy, and who are not willing to be cut off from sharing the honors of victory or defeat.

Mr. SMYTH, of Virginia, next took the floor; but the hour having expired, the debate was arrested for the day.

BUFFALO AND NEW ORLEANS ROAD.

The House then went into Committee of the Whole on the state of the Union, Mr. HAYNES in the chair, and resumed the consideration of a bill making an appropriation for the construction of the road from Buffalo, in New York, to New Orleans, in Louisiana, via Washington city.

Mr. CRAWFORD rose, and remarked that the bill now before the committee was one of very grave character, involving most important considerations of expediency, apart from the constitutional difficulty with which some gentlemen, avowing no disposition to do so, had, involuntarily, he presumed, invested it. The power to construct roads and canals might once perhaps have admitted of great doubt, but [said Mr. C.] I defer to the decision of more experienced and wiser men, whose opinions for the last five and twenty years, expressed in legislative acts, have fixed the construction of the constitution too firmly to be now shaken—upon a basis on which this body constantly acts. Not an appropriation bill passes, that does not, in some shape or other, recognise the principle. A few days ago we acted affirmatively on a bill providing for an expenditure incurred by the removal of obstructions from the channels of several rivers, and within five minutes have approved of one of similar character. Putting aside this question as *rem judicatum*, as one passed upon, and so considered on almost every side, and not from the alarm which the gentleman from Virginia [Mr. P. P. BARBOUR] was so kindly desirous of quieting, let us proceed.

What is the duty of a Government, or, rather, for what is every Government instituted? To promote the happiness of those who establish it, by the proper exercise of all the powers confided. To develop the resources of a country, and of every part of it, by holding out the inducements which facilities of transportation furnish to increased industry in exploring them, the experience of the world

has proved to be more effectual than any other policy which can be devised. A nation may flourish in every stage of improvement from adventitious causes—by the misfortunes of others, or some special good fortune that may attend her own condition. Such was our auspicious situation, from the formation of the present constitution until eighteen hundred and sixteen or seventeen: We had just emerged from provincial inferiority—the heavy hand of an oppressive Government had been not long before removed, and we felt the buoyancy and elasticity of youth; the change of our internal and relative political position, and the adoption of our new frame of Government, placed before us an extended and delightful prospect, which was not only enlivened and enriched in all its most beautiful tints, but over which was thrown every charm that could gratify the beholder, by the situation of the Eastern world, whose food we supplied, and whose trade we carried. But, sir, except under these favorable external circumstances, no nation ever did prosper, no nation ever can prosper, nor even then to the extent of which she is capable, that is not supplied with the roads and means of transportation which a discreet and sober judgment shall assign to her condition. It is in vain that your manufacturers exercise their ingenuity and industry; that your farmers, as respectable and honored as any portion of your community, make you and themselves intrinsically richer, by drawing from the earth, annually, wealth which did not before exist, and that your merchants establish themselves as purchasers of their several commodities, if they cannot carry them to market, except at a sacrifice which blunts enterprise.

Not to open these avenues, is to bury the talent entrusted to us. For what has a most indulgent and beneficent Providence spread before us, with the most liberal hand, all the bounties of nature? Is it that we shall use them as they are furnished, or, by the exercise of the intelligence that belongs to us, bring them into the most advantageous and productive activity? To maintain the affirmative of the first branch of the proposition, might accord with the opinions of the individual who opposed the making of a canal, because God had placed a river near its contemplated route, and he thought it would be sinful to aid his works. Not so is my view. I would assist the industry and enterprise of the country, in its various branches. I would lend accommodation to its convenience, and I would, by every means in my power, place her in the best attitude for defence, if hostilities should arise between her and other powers. I would not have a splendid Government, any more than the honorable gentleman from Virginia, [Mr. P. P. BARBOUR] but I am in great, very great error, if that which is intended for the benefit of the people—which is designed exclusively for the advancement of their interest, and which is expected, by those who advocate this bill, to contribute largely to it, can make a gorgeous Government. I had supposed there was more of utility than splendor in the scheme; that comfort, competence, and ease would be found in greater abundance in the country it traverses; but I never imagined, until the ingenious gentleman stated it, that the Government would be more imposing. But, sir, if this be splendor, I favor it. I wish to see the country, from Buffalo to New Orleans, gladdened by this channel of communication, which shall enrich the land that it passes through—diffusing pleasure and wealth, and inciting to the industrious production of that which can be advantageously disposed of. Even Virginia, in her four hundred miles that it covers, will yet rejoice, I trust, that this bill has passed—not on a magnificent scale, with triple rows of elms, in imitation of the French minister, but on the moderate plan proposed by a very respectable committee of this House, through its honorable chairman, my colleague and friend, [Mr. HEMPHILL] on a plan destined, I hope, to be approved by the Congress of the United States.

In advocating this measure, I wish it distinctly under-

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stood, that the conceded power should, in my judgment, be confined to great, leading national objects: that it should not be exerted frequently, or on ordinary occasions, but on those only which would seem to require a great common effort for a great common good. Such I regard the present project to be. Is it expedient? I think so. The seat of the General Government is the heart of the body politic. From it must flow to every part of the country, in peace or in war, the regulations, laws, orders, and instructions it was organized to furnish and give. By a speedy diffusion of intelligence and information among the people of what the Government does or does not do, of the course of policy it adopts or abandons, you can alone preserve attachment to it. That every facility should be afforded for that purpose, is of vital and engrossing interest. And here let me ask, sir, in the language of my friend and immediate colleague, [Mr. RAMSEY] have you a single passage out of Washington provided by the General Government? By what means are you to place the citizens of this very extensive empire upon a footing of equality, so fully and effectually, as by the expeditious dissemination of information? Can those on its remote borders form so correct an opinion of the merits and demerits of their public agents, as those whose locality places them nearer, unless you transmit to them the materials of which alone opinion must be made up? I am acquainted with no arrangement by which those who administer the public affairs can be brought so immediately under the view and observation of their constituents, either for approbation or for censure, as by the rapid diffusion of useful knowledge. This Government depends essentially, both for the most beneficial results and for durability, upon the intelligence and virtue of those who have the happiness to live under it. Give them the first, and the last will be strengthened; and both will be, to the noble structure we have reared, a foundation and support that must secure its perpetuity.

To commence with the northern part of this road: What are its anticipated mail advantages? Very great. The travel from Washington to Buffalo, by way of Baltimore, Philadelphia, and New York, is about six hundred and seventy miles. On this route the mail can be carried between the extremes, when steamboats are in operation on a part of it, in six days; at other times, seven days are occupied. Stage lines were established, some two or three years ago, from Harrisburg to the western part of New York, by which the distance on the shortest stage route was reduced to about three hundred and ninety miles, over which the mail is conveyed in seven days. If a road were made from this city to Buffalo, by the nearest practicable route, it could be transported between them in less than four days. (Postmaster General's letter of 28th December, 1827.) What an immense saving of time! Will gentlemen tell me that it is no advantage to have the mail carried in half the time? Is not despatch the life of your post office? Here have we been, during the session, receiving petitions from a very large number of our constituents, larger, probably, by many to one, than those who have expressed their views on any other subject, requesting us to stay the mail only for one day, and that the most holy one; and by our committee we turn a deaf ear to their entreaties, insisting that great inconvenience will result from the delay—that if we grant their request it will be felt throughout all the mail ramifications of our extended domain. For the sake of the argument admit it. How great, then, must be the advantage we would have by gaining half the time; by the transmission of intelligence in four—in less than four—instead of seven days! Will it not pervade, sir, the most remote districts of our northern and northwestern borders? To enlarge upon this topic appears to me to be unnecessary.

Our attention is next drawn to the commercial considerations which bear upon this question. The bed of the

road must be carried, for the first one hundred to one hundred and twenty miles north and northwest of this city, through a country fertile and beautiful as the heart of man could desire; a region under the highest cultivation, and studded with the homes of an industrious and happy population. It will afford them a channel of direct communication with the capital. They will have a choice of markets, at which they can dispose of the products of their farms, that embrace all the varieties proper to the climate. It will cross, at various points, the several turnpikes leading to Baltimore and Philadelphia, and will enable many who choose to direct their course towards those cities, to do so with increased ease. In its more western course, it must likewise strike two, at least, of the Pennsylvania canals, and will facilitate an approach to, or departure from, them. Where the country through which it passes is not eminently fertile, it abounds in coal and iron, which will probably make the resources of Pennsylvania, unfolded and opened as they soon will be, greater than those of any of her sister States.

For military purposes, what are its advantages? Many and commanding. As has been wisely said by my very much respected colleague, [Mr. HEMPHILL] the strength of a country rests not so much in the number of its population, as in the facility with which masses of its defenders can be thrown together. This road will not only afford every advantage for sending the earliest instruction to your northern and northwestern frontiers, and enable you, if need be, to transport the munitions of war and provisions, at a small cost, to your army, but it will meet, at every turn, some line of communication from an Atlantic point, which shall be either endangered, or which can furnish information of any enemy that may be on the seaboard. The roads and canals which irrigate and fertilize that whole section of country, do not run parallel with the proposed road, but will be crossed by it at as many centres as this famed city contains. If we had had such a road during the late war, we should have saved more money, several times told, than the entire improvement from Buffalo to New Orleans will cost, if it shall be authorized. So much for the northern end.

Are there sufficient reasons to justify the making of the road from Washington to New Orleans? It appears to me there are. It holds out to you great facilities and increased despatch in the conveyance of the mail. It was carried in December, 1827, (Postmaster General's letter) between the two cities in nineteen days, over twelve hundred and fifty-nine miles, along the metropolitan route—certain improvements in bridges, and the removal of obstructions, it was thought, would enable the Government to transport it in seventeen days, and it was believed a good turnpike, on the shortest line, would put it in the power of the Postmaster General to carry it through in eleven days; add, if you please, three days for difference between the contemplated road and a turnpike, and you have a saving in time of at least three, perhaps five, days. In a commercial point of view, many advantages must result from it. It traverses a country abundant to overflowing in every thing that can contribute to the comfort and enjoyment of life. The surplus products can be carried on it to those streams which it strikes at right angles, and down which they can be cheaply floated to the seaboard, or some intermediate mart. The great Cumberland valley and many parts of the southern country will yet be busy and happy in the establishment of manufactories, to and from which this road will afford facilities for carrying the raw material and the manufactured article. For war, it will enable you to convey your troops and their provisions, not along its whole distance, but, as the honorable gentleman from Tennessee [Mr. BLAIR] remarked, on particular portions of it, and on all parts of it at different times. Perhaps troops will never be marched from Buffalo to New Orleans, or the reverse, but they will be moved from

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intermediate points to either, or to Washington: The proposed route is about equidistant from the seaboard and the Mississippi; they will be auxiliary to each other, or, if gentlemen prefer it, I have no objection that the road be considered ancillary to the river.

I may be asked why I favor the western route. And it may be thought, perhaps with some propriety, that as this matter "does not belong to my parish," I should not interfere. Having, however, expressed a preference, I will say why. It lies generally through a better country—will require less bridging, not much more than half that either of the others demands—will not have more than two-thirds as much causeway—and, lastly, although it does not now, will, in my opinion, very soon, and in all time thereafter, have a larger population. At present its white inhabitants exceed in number those of the eastern line, with all its advantage of being dotted with towns and cities, which have given it the name of the metropolitan route.

What are the objections to this bill? They are very numerous, but, in my mind, not well founded. The honorable gentleman from Virginia [Mr. P. P. BARBOUR] stated, that although the General Government was a great whole, each State, each individual, would feel his own individuality, and pursue his own interest, though willing to do something for the public. I admit it, and hold it to be a strong argument for appropriations, such as that contemplated by the measure under debate. It is, according to the most deliberate judgment I can form, the solemn duty of statesmen, of gentlemen on this floor, to exert themselves to the uttermost, preserving their principles and a rigid regard to duty, to maintain and increase the harmony of the nation. Climate, diversity of habits and pursuits arising out of it, contrariety of interest and difference of sentiment proceeding from these and other causes, open the chasm already too wide. Let it be the pleasing duty of those who are now together, in the enjoyment of the public confidence, to repose upon the integrity and purity of each other, and to make a common effort to smooth the asperities which grow out of our several conditions—to level the inequalities which must be met with on so wide a surface. To contribute, in the smallest degree, to this, the most desirable of all political ends, would give me a pleasure that no other public agency of mine could possibly yield. Is not the bill calculated to aid this consummation? Let us have something in common, and not look with cold and heartless indifference upon this Government, as if we had no interest in it. If we cannot be bound by some cord of regard, let us at least see some evidence that we are connected.

Again, we are informed by the same honorable gentleman, rightly, I think, that the consumers pay the duties on imports; and that, as the money in the public treasury is raised equally off the people, it should be equally distributed, or rather that it should be distributed in the same proportion in which it was contributed. Sir, this looks well in theory, but it cannot be carried into practice. The Government was constituted for the common benefit, and to promote the interest of the whole. Some portions of the empire will require the expenditure of more money than others, and it will not answer to give one district more than it needs, because it contributed it, or another less, because it paid not so much as its necessities require. The harbor of one city may call for an immense expenditure—nature has made another perfect; very large fortifications may be esteemed necessary at one position; as in the gentleman's own State, at Old Point Comfort, or Fortress Monroe, and Castle Calhoun; but who complains of that? No one, that I am aware of; and no one should. I think, therefore, instead of supposing that he and another person were weighing one hundred pounds of gold in separate scales, designing each to contribute equally, and that his partner, by putting his fingers into his (the gentle-

man's) scale, and taking thence a part of his gold, had behaved unjustly, a more apt illustration of the duty and the justice of the Government might have been found, in likening it to a father, whose sons, having been to different markets, severally brought in their contributions to the common stock, which the old gentleman distributed among the objects of his bounty and affection, (whose industry had furnished the treasure,) not in equal proportions, but according to the wants and necessities of each. Is not this the every day course of parental duty and affection? But the gentleman's argument, if admitted, will not save him. I confess I have not sufficient acumen to perceive its force, but think it proves directly the reverse of that for which it was adduced. The road passes over a section of country that has received little or no part of the public favor. The sums—the vast sums that have flowed into the public coffers since the peace of eighteen hundred and fifteen, amounting to upwards of three hundred millions of dollars, have been expended chiefly on the seaboard; and the interior never will get any of the country's treasure, if you do not allow them internal improvements. So much for the gentleman's equal distribution, or distribution exactly proportioned to contribution!

England, we are informed from the same respectable source, is at this moment retrenching to the utmost, and deafening her King and ministry with applications for relief from wretchedness. Why that country was named, I know not, unless it was for the inference that her present condition might be traced to her manufactories, her roads and canals. If that was the purpose, I take leave to deny the justness of the conclusion. So far from her misery being attributed to her occupations and improvements, she must have long since have sunk without them; they alone have sustained her under a pressure that has been borne until the world is amazed. Her national debt, that great source of her pauperism and wretchedness, has been magnifying for a very long time, but was increased seven or eight fold, by the wars that arose out of the French revolution—conflicts that derived their sharpest acrimony from the alleged secret treaty supposed to have been signed at Pilnitz, by which the parties to it were bound to impose the royal family upon France, and which attempt to interfere with their internal government, the French nation nobly and successfully resisted. To this debt, thus incurred, is mainly to be ascribed her present unfortunate situation.

But this measure, if successful, will have a tendency, say several gentlemen, to keep up a large revenue system. My sentiments on this subject are well known. I trust the present policy will be adhered to—that no repeal of the laws imposing the tariff will take place, until a full and fair experiment has been made; which will result, I doubt not, in establishing the wisdom of the course pursued for the last two years—repealed they shall not be, if my vote, and any little influence I may possess, fairly exerted, can prevent it. Immense interests have been staked on the faith of the Government, and ruin, utter ruin, would involve a large portion of the middle and eastern States, if this faith should be broken. Would honorable gentlemen themselves desire, if their wishes could effect it, the immediate repeal of all duties? Would they not prostrate in one common desolation the manufacturer and the merchant, and, through them, a very great proportion of the whole community? The duties will, therefore, last long enough, at all events, for this road. Why is it, if the tariff operates unequally, if injustice is done to the South, that the opposition I am now combating comes from the complaining quarter? Here is some little atonement—some little boon offered; but it is contemptuously rejected. We ask what we may be allowed to scatter among the very people who, by their representatives, set forth as a grievance that money is exacted from them, the identical money so collected, or a part of it, and the permis-

sion is withheld. Can we do more unless we destroy ourselves to gratify others?

The honorable gentleman from Tennessee [Mr. POLK] is of opinion that this bill combines many local interests, which he deprecates as a great evil. Pray, is not all legislation of local operation, and the more extensive the more comprehensive? but, then, this produces delusion, the delusion of whole masses of men, and entire sections of country. I wonder if, by possibility, there might not be some delusion on the other side. The gentleman reminds me of the jurymen who differed with his fellows, and, upon being brought into court, said they were the most obstinate eleven men he had ever met with; he could not bring them over to his view of the case.

He speaks of the number of routes that have been surveyed, which is argument against him, as it goes to prove the great anxiety of the public mind on the subject—the great interest that is taken in this road, which we have heard represented as likely to be of no utility if made; not so think those who live near its projected course, and appreciate its value. But the people are deluded—they are blinded and lost to reason, by the offer to spend their own money among them. Where, I would ask, should it be expended, if not among those who own it? If it be a delusion, I fancy it will, unlike most other errors, abide with the people, and continue to close their eyes to what gentlemen are pleased to call their true interest. When you finally select one line, it is said you offend all those who live upon the others, and this is pressed as a good reason for not moving further; does it not occur to gentlemen that the remark, if of force, would put an end to all improvement whatever? Of the many surveys made, or to be made, I would choose the best, and I would say they should be few. I would not, nor will I, vote for all the projects on foot, or which have been reported to this House; nor do I think the public treasury should be burdened with annual appropriations for supporting and keeping in repair any great channel of communication that has been, or hereafter may be, constructed. But this road must be turnpiked, say gentlemen; I do not know what others intend, but I do not look beyond the present bill, nor think of a turnpike. Let however the estimate, mentioned by the honorable member from Tennessee, [Mr. POLK] of twenty-one millions of dollars should alarm, I will say that I understand the road in Ohio, equal to any in the world, to be now constructing for between five and six thousand dollars per mile; and, taking this as our datum, the whole distance from Buffalo to New Orleans would not, even if turnpiked, cost nine millions. The honorable gentleman speaks pleasantly of tapping the treasury, if it be plethoric; admonishes us that it is a dangerous operation, and that it requires a consultation of the seniors—not the bachelors of medicine, but the M. D.'s in politics. I am content to be regarded as a junior, at least for the present; but what if the seniors are timid, or mayhap unskilled, or, with a rare exception or two, adhere to the old practice, rejecting modern improvements as the innovations of heedless and incautious men; insisting that no other guide shall be followed but lectures heard or written, some twenty, or thirty, or forty years ago? Under these circumstances, the office must be assumed by those who may be estimated lightly; nothing else is left for it, they must use the knife, or the patient will die.

The last argument I shall notice, and it is one which all the honorable gentlemen who have spoken against the bill have urged, is, that they wish the public debt paid before we embark in the project. This bill, sir, interferes not with its discharge; if it did, I should be the last man to advocate it. What does the bill provide? The first sections enact "that the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, three disinterested citizens of the United States, to lay out a road from Buffa-

lo, in the State of New York, passing by the seat of the General Government, in the District of Columbia, to the city of New-Orleans, in the State of Louisiana, whose duty it shall be, or a majority of them, to examine the ground, and lay out said road," &c. It is provided in the second section "that the said road shall be laid out four rods in width, and designated on each side by a distinguishable mark on a tree, or by the erection of a stake or monument, sufficiently conspicuous, at every quarter of a mile of the distance, where the road pursues a straight course, and on each side where an angle occurs in its course."

The third section is as follows: "That the said commissioners, after they have laid out the said road, shall present to the President an accurate plan of the same, with its several courses and distances in each State, accompanied by a written report of their proceedings, describing the marks and monuments by which the road is designated, and the face of the country through which it passes, and the roads, or parts of roads, if any, in the course of the road so laid out by this act, which, in their opinion, shall need no alteration, which said roads, or parts thereof, so finished, shall remain unaffected by this act."

It is made the duty of the commissioners, by the fourth section, to "report to the President an estimate of the expenses of the said road, which, in their opinion, will be necessary for its formation, graduation, and final completion, on the most approved plan, without the application of stone or gravel, except where they shall be found indispensably necessary to its use; and if the same does not on an average exceed the sum of fifteen hundred dollars, including necessary bridges and causeways, per mile, the President is hereby authorized to take prompt and effectual measures to cause said road to be made throughout the whole distance."

It is believed that the preparatory steps by the commissioners, of surveying, laying out, and marking the road, and making a detailed report of their proceedings, cannot be taken in less than two, perhaps three years; and that during this period an expense will not be incurred that shall exceed ten thousand dollars per annum; and that afterwards, if the contingency happens that shall make it the duty of the President to commence the construction of the road, not more than four, or perhaps five hundred thousand dollars will be required annually.

Let us now ascertain the state of the public debt, its exact amount, and the probable time of its extinguishment.

Debt on 1st January, 1830,	\$48,565,406 30
Interest to the 1st January, 1831,	2,913,924 39

51,479,330 89

Deduct sum then applicable to its extinction, according to the estimate of the Secretary of the Treasury,	11,500,000 00
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39,979,330 89

Interest to 1st January, 1832,	2,398,739 85
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42,378,090 74

Deduct sum then applicable to debt, by Secretary's estimate,	12,000,000 00
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30,378,090 74

From which deduct two years' interest, at three per centum, on thirteen millions two hundred and ninety-six thousand two hundred and forty-nine dollars and forty-five cents, (that sum having, in above calculation, been put at six per centum, while it only carries three,)

797,774 96

(Forward) 29,580,315 78

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Interest to 1st January, 1833,	29,580,315 78
	1,774,818 94
	31,355,134 72
Deduct, according to Secretary's estimate,	12,000,000 00
	19,355,134 72
Add for interest on sum, beyond three per cent. stock, (on which no interest should be charged for this year, it having been added at six per cent. for the year 1832 to 1833,) say on six millions fifty-eight thousand eight hundred and eighty-five dollars and twenty-seven cents, to January, 1834,	363,533 11
	19,718,667 83
Deduct as above, according to estimate,	12,000,000 00

Leaving a balance of 7,718,667 83 of the public debt on the first day of January, 1834, at which time there will be in the treasury between three and four millions of dollars, beyond all ineffective funds that are there, which may be placed at one million, about which sum they are; and the United States will be indebted, except as above, owner of seven millions of United States' Bank stock; nor will the balance be so great as I have made it, for all the debt (except the three per cent. stock) is supposed, for convenience sake, to be at six per cent. interest, when, in reality, twelve million seven hundred and three thousand ninety-eight dollars and sixty cents carry but five per cent. and thirteen million seven hundred and sixty-six thousand seven hundred dollars and fourteen cents draw only four and one-half per cent. Indeed, the debt may be regarded as fully discharged when we shall have reached within seven millions of its apparent amount; for to that extent it was incurred by subscription for United States' Bank stock, which the Government still holds. Not more than twenty thousand dollars can be wanted for surveys and laying out the road before the spring of 1832, nor perhaps more than thirty thousand dollars until 1833, for it cannot be begun to be opened until it is all laid out, so that it may be seen what the average cost will be; which, if it shall exceed fifteen hundred dollars per mile, will prevent the President from proceeding. This sum will not beggar the treasury. At either of the above times, the reduction of the debt will be such, that the sum heretofore paid for interest will go a considerable way to bear the expenses of the road. And, in January, 1834, it will be paid off, with the exception of a fraction. Any thing to be apprehended from the alleged interference with the payment of the public debt is fanciful. This bill, if it shall become a law, will not have that effect.

The honorable gentleman from Tennessee [Mr. POLK] tells us that the State Governments were made for internal and municipal purposes, and the General Government for external purposes. Not so exactly. But I do not recur to this matter to quarrel with him about his division of powers, but to say, with the gentleman from Virginia, [Mr. P. P. BARBOUR] that I would not take from this Government one, even the smallest and most inconsiderable of its powers. I will add, for myself, I would not bestow upon it one jot of authority beyond what rightfully belongs to it. But it does seem to me that the fashionable doctrine of jealousy of the General Government, and the danger suggested that it will swallow up State power, is chimerical. Who compose this Government? We are ourselves its most efficient branch. Where are all our strongest political attachments? In the several States, and I honor the sentiment. What sustains us here? The belief that we

stand well at home. Take from any gentleman his State support, and will he have influence in this House? I think not. What inducement can there be to strengthen the hands of the General Government? None that I can perceive; and these seats change occupants too often to allow even a corrupt man to hope for any personal advantage from so doing. Each Government, General and State, can only perform its functions within its designated sphere. There may they each long happily move, nourishing and cherishing, and fostering and securing, by their light and influence, the free institutions of our country! I am, indeed, with the honorable gentleman from Tennessee, [Mr. POLK] for the Union, and, as its devoted friend, opposed to all doctrines which have the slightest tendency to make the most deplorable of all events familiar to us. I cannot bring my mind to adopt the idea that a State has a right to abrogate a law of this Government. It is an opinion fraught with the worst consequences, and leading to the most lamentable issue. Are not, I ask gentlemen, our fortunes freighted in the same vessel? The tempest which overwhelms one, will assuredly involve others; and, when this gallant barque shall be stranded, if stranded it must be, he who will have the fortune to seize a plank, by which he can reach the land, will find himself on a shore not worth inhabiting.

Mr. STANDIFER said, he hoped the committee would not think he was trespassing on its patience, whilst he attempted, in his own way, to give his views on the important subject before the committee. But, sir, [said Mr. S.] you will readily account for the embarrassment under which I labor, when I inform you that I was raised to the plough, at a time, and under circumstances, which prevented my getting any but the most limited education. My embarrassment is increased; also, from the unfortunate difference of opinion which prevails in the delegation from my own State, with all of whom my intercourse has been friendly. But, whatever may be the difficulties with which I have to meet, I am determined, when I see a subject under discussion which involves the best interests of my constituents, and the nation at large, to represent the views of that generous and enlightened people who sent me here, and with whom, when at home, every thing dear to me is to be found. I mean to give my full support to this bill, and wish to allow my colleagues and all others the same privilege of acting freely that I take myself. I know this is not the course of all the members of this House; but I hope I may be allowed to say that my two worthy colleagues, (BLAIR and ISACKS) who spoke on the same side of this question with me, and myself, live in the mountain region, where we breathe liberal air. We do not set ourselves up for little captains to lead others on; we aim at no such unenviable distinction. We are perfectly willing that they should think and act for themselves, and we will leave it to the proper tribunal to decide between us. Neither of us will hold up the constitution to shelter ourselves from responsibility, and save us from the people at the ballot boxes.

I will say for the worthy gentleman from Virginia, [Mr. BARBOUR] that he has, in opposing this bill, which is my favorite one, acted with his usual fairness and candor. He has argued upon the ground of expediency alone, and I give him credit for it: for who, that would be thought sincere, could oppose this bill on constitutional grounds, when it is pretty well understood here that two-thirds of this House are satisfied of the existence of the power of Congress to make internal improvements? I know that some of my colleagues will bear me out in saying, that, on my way to Congress in 1823, I expressed myself in favor of the system of internal improvements, and, after taking my seat, voted under the influence of that belief; and I tell my worthy colleague [Mr. POLK] who last spoke, that that opinion remains unchanged by any thing that I heard from him in the course of his remarks.

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This road is one of the first importance to the Government in three points of view: military purposes, mail transportation, and last, though not least, commercial.

Speaking of it as a military road, I must call in to my aid plain common sense, as I am not possessed of much book information. My view of the United States in its warlike preparations is, that it may be compared to the encampment of an army in an enemy's country, when commanded by a skilful general. That encampment is in a hollow square, keeping in the centre a portion of his best troops, in order, if attacked on any side, to throw this reserved force to the place of attack. Now, the United States has frontiers around all the States except Kentucky and Tennessee: they are in the centre of this great encampment, and ready to be thrown to the defence of the line attacked. Will you, then, refuse to give them a road to go upon to fight, not for their own personal safety, but that of their country? They are safe if you leave them to defend themselves, for their frontier and seaboard neighbors must be cut down to reach them: but they do not wait for danger to themselves—they volunteer, and bare their bosoms to the bayonet of the enemy for their exposed neighbors, and surely it must be important to make them good roads.

The mouth of the Mississippi is very important, and may be said to be the key of the whole Western country. Suppose that a foreign foe should take possession of it, and lock up its mouth, it would strike at the interest of nine of our States and one Territory. Mobile is still more indefensible than New Orleans, and depends upon East Tennessee for succor. Georgia will have to look to her own frontier, and will not be able to assist. It is, therefore, all-important to make this road, which runs three hundred miles through Tennessee, and crosses the Tombigbee, in Alabama, below the mouth of the Black Warrior river, where steamboats run, and troops and provisions could be carried on this road to that point, and then sent down to Mobile. Sir, the people of the lower country do not raise provisions to support an army—hardly for themselves; for, like all others, they raise that from which they can make most, and it so happens that that is cotton and sugar. East Tennessee, through which this road is to run, is the place from whence their supply must come, as well of provisions as men; and I have tilled the lands of that valley long enough to know, experimentally, that if you give us the channel upon which to send the provisions, we can raise them.

This road, if made, passes through the country which was the scene of suffering during the late war. Perhaps, from my participation in those times, I feel more on the subject than I otherwise would. I cannot, whatever others may do, forget the difficulties and troubles of that day, and much of it arose from the want of such a road as the bill now proposes to make. I saw, on the line of this road, your sick and diseased soldiers, who were fighting for your country, wading through mud and water, whilst the measles and other diseases were fastened upon them. On our return from the Horse-shoe to Fort Williams, we had to carry our sick and wounded, some on horseback, and others on biers, by their brother soldiers. From Fort Jackson to Fort Williams it fell to my lot to be one of the officers of the rear guard; our duty was to keep the men before us, and leave none behind. From hunger, sickness, and fatigue, they kept falling back, until they far exceeded the number of the guard; some had eat nothing for four or five days, and they literally gave up to die, and sought every opportunity to dodge the guard and hide behind logs and brush, and risk the savages in preference to the fatigue of travel, under the prospect of starvation. I am confident in the opinion that no man living, save the very distinguished general who had the command, could have kept in subjection men in their condition. He was kind and tender to them, and treated them as a parent

would his children; he gave his own horses to the sick soldiers, and took to the mud and water with the rest; but those who were inclined to be disobedient he forced into obedience. Who, sir, were these soldiers that endured all this suffering? They were neither enlisted nor hired men; they were the respectable freemen of Tennessee, many from my own district, who volunteered, and left their wives and children as widows and orphans, to defend the liberties of the country. But you starved them in war for the want of a road to carry them provisions; you diseased them by subjecting them to trudge through mud, and wade waters, for the want of a road; and now your country's flag is floating in peace, and you are willing, if you reject this bill, to let them again endure the like afflictions. Let me tell you, this road is more needed than many of your other preparations for defence.

It has been my happy lot to live among the mountain boys, as they are sometimes called. I have been with them in the field of battle in one war, and I can assure you, if the servants of the people will do their duty, and give to us roads so that we can travel to the points of danger, you never will again see the smoke of an enemy's fire upon the walls of this capitol. The people to be benefited by this road are in a situation to ask little from the Government, but they ask you to prepare the means of defence before another war may overtake you, and they, for the want of them, be again exposed to suffer sickness and famine. The utility of this road for mail purposes does not seem very clear to some of its opponents. The gentleman from North Carolina [Mr. CARSON] says, that upon this road to Nashville we now have six mails a week, and on his but one, therefore there is no need for this road for mail purposes. If the gentleman means that going and returning should each be counted, then we have six mails to that place; but, counting in the same way, I could make twice a week upon his route. The growing importance of all that new and advancing country, and its increase of population, renders it probable that the time is close at hand, when the necessity for a daily mail on that route will arise. The gentleman from Virginia [Mr. BARBORA] admitted, as I thought all would, the importance of this road in that point of view. When the cost of mail transportation is now looked at upon that route, can it be possible that there is any one who would not agree to the benefits to flow from making this road as a mere post road, and the advantages to the citizens who live upon it? But I will now pass to the benefit which can be felt, and properly weighed, by the farmers of our country. I mean that of aiding trade and intercourse. Take a view of this road and the country through which it passes: It falls into the valley of Virginia, west of the mountains, and traverses that valley until it intersects the ridges at the head of the Roanoke, thence to the head of Holston, through one of the best grazing countries in the Union, and passing through the whole extent of East Tennessee. For several hundred miles on that way the lands are rich, and present the most inviting prospects to the farmer and grazier, but unfortunately must depend upon land transportation for the means of interchange of their products with other more favored quarters. I said that I was a farmer, yes, a practical farmer, and I know how to sympathize with that class. I know what it is to labor throughout the summer in the burning sun, and have on hand throughout the fall and winter the product of your labor, if not spoiling on your hand, lying uncalled for, for the want of outlets to market. The farmer is the class for whom your legislation should mainly provide; they till the earth and feed the country; yes, we who are now the great men of the nation, legislating in this splendid hall, were sent here by them, and they are now feeding us by the sweat of their brows. They have been oppressed and borne down in the country from which I come, on account of the channel in which their money has heretofore been appropriated by

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this body. I do not understand gentlemen when they talk about the revenue being raised in the great cities or seaports; my experience teaches me that the consumer pays this revenue, and my constituents pay their proportion; and how has it gone since the establishment of the Government? Upon tide water. Has any thing gone to the quarter through which this road is asked to be made? No, not the first dollar.

My colleague [Mr. POLK] cautions us against this system of internal improvements, because it is unequal and unjust. I tell him that which has been pursued is the unequal and unjust system; and this is the only one that our people, who live off tide water, can ever expect to be benefited from. I tell my colleague that the farmers of Tennessee will inquire more strictly into the correctness of our votes, than our fine speeches; they will rise in their majesty, and put down those politicians who will not represent their interests truly; and whilst he is giving cautions, he must pardon me for taking the liberty of giving him mine, take care that he represents the class of which I have just spoken.

I know that most of the people in the section of country from whence I come, are aware of the importance to them of connecting, by canal or railroad, the waters of the Tennessee with the Coosa, and in that manner gain an important outlet for their produce, and, in my opinion, that would be of more local benefit than this road; but, sir, the interest of the country requires that both should be done—make good roads, open your rivers; then your farmers will be stimulated to industry; all men need something to stimulate them, even the members on this floor—I do not mean, to try for places on this floor, that is already sufficiently strong; I mean to do their duty when they get here. I confess that I have sometimes thought that some of the people's servants forgot that they had masters; indeed, I very much fear that the result of this vote will tend to confirm that belief. I have this measure much at heart. Sir, it comes home in its benefits to the poor and needy; the very day-laborer is to find a place to reap the reward of his industry. I am, therefore, the more importunate. I never could see the reason why improvements could be constitutionally made on tide water; and the moment you left it, the constitution was too narrow to cover such work. This seems to be the modern doctrine, and though it suits some learned and wise men, it will neither suit me nor the people I represent; and I think some other gentlemen of this House will find, also, that those who swing the mail and axe will not be so well pleased with speeches filled with constitutional law as common sense voting, bringing home to them benefits and blessings which they can feel and realize. I trust in God that they will rise, and force their servants so to read the constitution as to include the neglected parts of this Union, for which we now ask this reasonable measure.

I have not had much experience in legislation, but I have been here long enough to know that tide water has been the spoiled child of this Government. I see on your table, and on passage, bills to open mouths of rivers, build sea-walls, improve harbors, and various other things, to which I hear no man object; but when we from the other side of the ridge ask for something to be done to benefit the Union at large, and our constituents in particular, then the constitution adopted for the whole United States is too narrow to reach us, and some of our folk join in saying, if we stretch it from tide water it will tear. Indeed, it does seem to me that some gentlemen think that constitution, commerce, and every thing stops with tide water. They might as well try to convince me that a goose, swimming in tide water, turns to a terrapin when it gets above, as that commerce ceases to be commerce when it is put into a boat or wagon. Sir, this may be sound argument with hair-splitting politicians, but it would be laughed at by our common ploughboys. If the good people of Tennessee

can be blinded by reasoning which tends to license the expenditure of their moneys for all the sea-coast projects, and nothing for defensive means amongst them, I shall confess that my colleague [Mr. POLK] is representing their wishes, though I never shall believe it to be their interests.

I have but little knowledge of the constitutional law, but I can understand plain English, and the constitution reads thus: Congress shall have power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes." This means commerce carried on between different States, just like commerce with foreign nations, and the same can be done for both, unless the modern notion shall prevail, that there is no commerce off the tide water to regulate.

On the plan which I have adopted, the neglected portions of our country would be improved, and life and spirit given to the husbandman. The farmer could find a ready market for the products of his industry, life and energy would take the place of indolence and sloth; the farmer would then whistle after his plough, and the benefits would be felt throughout society; the cheerful wife, with her prattling infants, the pride and ornament of our country, would join their husbands and fathers, and would pronounce a blessing upon the politicians who were instrumental in conferring this good.

I have heard the sufferings and sorrows of our revolutionary worthies pathetically described by gentlemen on this floor, with which I have been edified and charmed; but, sir, when I am about to get the information on that subject from the most impressive source, I will go to the actor himself. I have heard the tale of their sufferings from themselves; how they marked with their bloody feet the frozen earth, and endured all that could be imposed upon them to purchase for us this Government, which is certainly the best upon the earth. They enriched it for us with their own blood; and shall we, like drones, misimprove the means which have been put in our power to benefit ourselves and posterity? Shall we skim the surface of this delightful country, and render it barren and waste? No, we would be unworthy of being called the descendants of ancestors so brave and noble. Let us put forth our hands and improve it, and give to its high-minded inhabitants all the facilities in our power, by constructing for them roads and canals, and improving their rivers; then shall we merit the name of representatives of a free and enlightened people. Pursuing this system, you would bind together the North and the South, and prevent jealousy and distrust, which is now but too apparent. Then you would hear nothing said about States flying off from their sisters, and rebelling against the Union. All would be bound together in bonds of harmony and peace; and when our posterity came into our places, they would have the pleasing reflection that they too had cause for holding in affectionate remembrance those who had preserved, in health and vigor, their beloved country.

Mr. RICHARDSON, of Massachusetts, said, that, having given notice, some time since, that he would move an amendment of the bill now before the committee, so as to extend the road proposed from Buffalo to Lake Champlain, in Vermont, and thence to Boston, in Massachusetts, he deemed it his duty to assign his reasons for supporting the bill, provided the amendment should be adopted.

Without the amendment, [said Mr. R.] this bill proposes the construction of a national road from Buffalo, in the State of New York, passing by the seat of Government, to New Orleans. According to the estimate, it will be fifteen hundred miles in length, and will pass through parts of nine States of this Union. The population of the States through which it is to pass, in 1820, was about six millions. It was my intention to show, at this time, the claims of New York and of the Eastern States to an extension of this road. But, sir, by the state of the question I am precluded from doing this, since there has been

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a motion to strike out the first section of the bill. I shall, if permitted, take an opportunity, at some future time, to state more directly and fully my reasons for the amendment I propose.

The question, whether the power to construct the proposed road is delegated to Congress by the constitution, appears to be waived. I understood the gentleman from Virginia [Mr. P. P. BARBOUR] as distinctly abandoning the ground of unconstitutionality as the ground of his objections to the bill.

[The gentleman states that he was misunderstood on this point.]

The measure proposed by the bill I consider as of great importance, as it will be one of a decisive character to settle the long contested question, whether this Government will persevere in the system of internal improvements, or whether it will abandon this system as inexpedient. The constitutionality and policy of the system are subjects on which I have bestowed some inquiry, and some serious reflection. Others having declined a discussion of the question of constitutionality, I will not trouble the committee with my views of it. I will attempt to show that the measure proposed by the bill, if amended, is expedient, because it will conduce to the general welfare of the country.

The proposed national road is part of a system of internal improvements. This system has been, for many years, going forward. It is now twenty-four years since this Government appropriated thirty thousand dollars for the construction of the Cumberland road. It is twenty-four years since the Government appropriated twenty-eight thousand dollars for opening a road from the frontier of Georgia to New Orleans, and from the river Mississippi to the Ohio; and from Nashville, in Tennessee, to Natchez, in the Mississippi Territory. It is twenty-one years since this Government appropriated twenty-five thousand dollars to extend the canal of Carondelet, leading from Lake Pontchartrain to New Orleans. It is twelve years since this Government appropriated, for the construction of the Cumberland road, above three hundred thousand dollars. By what authority, sir, have these appropriations been made? They were appropriations for neither military roads nor post roads, which come within what are called the specified powers of the constitution. No, sir, if based on any power, they were based on the specified power delegated to Congress by the eighth section of the constitution—the power “to pay the debts, and provide for the common defence and general welfare of the United States.” And now, sir, after a series of legislative acts, commenced twenty-four years since, and an expenditure of nearly fourteen millions of dollars, applied without any regard to principles of equal distribution among the several States and Territories, is this system to stop? The system cannot stop here without great injustice to a number of States in this Union.

By a report made to the Senate during the present session of Congress, by the Secretary of the Treasury, it appears that, for purposes of education, and the construction of roads and canals within and leading to a number of States and Territories, from the adoption of the constitution to the 24th December, 1828, the following appropriations have been made:

To Maine, - - - - -	\$9,500
To New York, - - - - -	4,156
To Tennessee, - - - - -	254,000
To Arkansas, - - - - -	45,000
To Michigan, - - - - -	45,000
To Florida, - - - - -	83,417
To Ohio, - - - - -	2,527,404
To Illinois, - - - - -	1,725,959
To Indiana, - - - - -	1,513,161
To Missouri, - - - - -	1,462,471
To Mississippi, - - - - -	600,667

To Alabama, - - - - -	1,534,727
To Louisiana, - - - - -	1,166,361

In addition to these appropriations, the Government has been authorized to aid, by subscription, the following works:

Delaware and Chesapeake canal - - -	300,000
Ohio and Chesapeake do. - - -	10,000
Dismal Swamp do. - - -	150,000
Louisville and Portland do. - - -	90,000
Cumberland road - - -	2,230,903
Western and Southwestern State roads - - -	76,959

\$13,838,886

These appropriations have been in lands at the minimum price, in two and three per cent. funds and in money. No part of this sum, it appears, has been applied to Vermont, New Hampshire, Rhode Island, Connecticut, or Massachusetts. A number of other States, in December, 1828, had received no appropriations for similar purposes. The appropriations for Maine and New York are mere fractions.

From what sources have the appropriations in money been derived? In 1828, the revenue accruing on the importation of goods in the States through which it is proposed the national road shall be constructed, did not exceed six millions of dollars. In the same year, the revenue accruing on the importation of goods into New York and the New England States, amounted to about twenty-one millions of dollars. Admit that this amount of duties which is paid into the treasury is paid by the consumers, and according to this rule the people of New York and of the New England States pay a full proportion of it. Why should they not share an equal part in the public improvements constructed by the authority of the General Government?

It is said that the people living in the Atlantic States have received their portion of the aid of Government, in appropriations for the erection of light-houses, and in improving their harbors. But there are facilities for commerce, which vastly more than repay their cost by the revenue they bring into the national treasury. If the Atlantic States be charged with these improvements, then they ought to have more credit for the duties they collect. Sir, in setting up a claim to the extension of this road into the Eastern States, I have no direct interest, as I should have in case it was proposed to extend it through the district I represent. If extended to Boston, it will come within about ten miles of that district. If the proposed road even crossed a navigable river running through Plymouth district, I should consider it of no trifling value. Wherever great roads cross navigable waters, or where there is water power, there is a place of business. In those places hundreds and thousands of our industrious inhabitants are collected. There is a market for the produce of the farmer. There is employment for the mechanic. There the value of the land rises rapidly.

The national road proposed by this bill, if the amendment be adopted, will do something towards equalizing this system. It will extend some benefits of internal improvement to the inhabitants of the interior of this country, through an extent of nearly two thousand miles, besides the benefits it will extend by an increased activity of business and commerce, from the points on the numerous rivers this road will cross, to the great marts of trade and commerce along our whole coast, from North to South. This plan has in it something approaching nearer the principle of regard to the people of the Union, than any other that has appeared under the name of internal improvements.

But this system has been opposed by some of the States, and by some of our statesmen, entitled to great respect. The constitutionality of the power of Congress to continue this system, I consider as virtually decided by the public voice, until the decision shall be reversed by a direct ap-

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peal, either to the Supreme Court of the United States, or to the people of the United States. I hold that it is not competent for either the constituted authorities, or the people of any individual State, to decide upon this question.

On this great and long agitated question, the will of the majority of the people of the United States, through their representatives, has been repeatedly and most decidedly expressed. The members of this House are not representatives of State sovereignties, but of the people of the United States. The will of the majority in this House I consider in no other light than as the will of the majority of the people of the United States. If in any department of this Government, or in any sense, State sovereignties are represented, it is in the Senate of the United States. This question of constitutional power, then, has been repeatedly decided by majorities of the State sovereignties. When the will of the majority has been fairly and fully expressed, I hold myself bound, as a supporter of the constitution, and by all the principles on which a republic or a democratic form of government is predicated, to obey that will. Any other course would seem to me to lead to anarchy, and to the most disastrous consequences. These, in my view, are principles essential to the safety and welfare of this republic. Whoever may embrace or abandon them, I shall not abandon them. Opprobrious names will not alienate me from them. Even if my own judgment were against the proposed measure, as unconstitutional, when the voice of the constituted authorities of my country has often, and through a succession of years, declared an opposite judgment, would it become me pertinaciously to oppose that expression of the public will? Obedience to that will, when expressed in constitutional forms, becomes a duty. If, against the decisions of Congress, I perseveringly oppose my own will or judgment as an inflexible arbiter, do I not plainly indicate what I would do if I had power? In what should I differ from a despot? Can a representative of the people, consistently with his duty, by his opposition to a system of measures, preclude them from participating in the benefits of that system, to which, by the will of the majority, they are entitled? Surely, in such case, he stands opposed to their participation in the general welfare. I doubt whether the people will long be satisfied with a system that allows them no participation in its benefits.

Will this proposed road conduce to the general welfare? If any road or canal, or the removal of any obstructions to the navigation of our rivers, be conducive to the general welfare, it will not be denied that this road will be so.

The fact has been adverted to, and is too important to be forgotten, that Presidents Jefferson, Madison, Monroe, and I believe all our Presidents with hardly an exception, have repeatedly and earnestly recommended to Congress the construction of roads and canals; or, in case their power was doubted, that measures should be adopted by Congress to procure an alteration of the constitution for that purpose. In this one point, all our Presidents, without exception, have agreed; that is, that a system of internal improvements would be highly beneficial to this country. If they had apprehended danger to individual States, or to the Union, from such a system, would they have recommended it? They evidently saw no dangerous tendency to consolidation. They saw no serious objection against confiding to the General Government the power to construct internal improvements. They concurred in opinion, on this point, with all the ablest and most approved writers on political economy. Malthus has this remark, with particular reference to England: "That if all the roads and canals of the country were broken up, and the means of distributing its produce were essentially impeded, the whole value of the produce would greatly fall. Upon the same principle, if the means of distributing the produce of the country were still further facilitated, and if the

adaptation of it to the wants, tastes, and powers of the consumers were more complete than at present, there can be no doubt that a great increase in the value of the whole produce would follow." This writer further adds, that "before the introduction of good roads and canals in England, the prices of produce in many country districts were extremely low, compared with the same kind of produce in the London markets. After the means of distribution were facilitated, the price of country produce, and of some sorts of London produce which were sent into the country in exchange for it, rose, and rose in a greater degree than the country produce fell in the London markets; and consequently the value of the whole produce, or the supplies of London and the country together, was greatly increased; and while encouragement was thus given to the employment of a greater quantity of capital by the extension of demand, the temporary rise of profits, occasioned by the extension, would greatly contribute to furnish the additional capital." Page 321.

It must be seen, at a glance, that the natural effect of such improvements would be the enhancement of the value of produce, and of all other kinds of property—an effect highly favorable to those classes engaged in callings of industry, or in trade and commerce, or to the class in debt. It is clearly beyond dispute, that the fall of the nominal value of produce, of land, and all property in trade, must be ruinous to the holders. In a young and enterprising nation, this class of citizens is of course numerous. A wise Government will not disregard the interests of a class so important to the welfare of the whole, whether in peace or war. Another writer on political economy, (Mr. Say,) than whom there is no better authority on these subjects, remarks thus:

"But although the public can scarcely be itself a successful producer, it can at any rate give a powerful stimulus to individual productive energy, by well planned, well conducted, and well supported public works, particularly roads, canals, and harbors. Facility of communication assists production, exactly in the same way as the machinery that multiplies manufactured products abridges the labor of production. It is a means of furnishing the same product at less expense, which has exactly the same effect as raising a greater product with the same expense. If we take into account the immense quantity of goods conveyed upon the roads of a rich and populous empire, from the commonest vegetables brought daily to market up to the rarest imported luxuries poured into its harbors from every part of the globe, and thence diffused by means of land carriage over the whole face of the territory, we shall readily perceive the inestimable economy of good roads in the charges of production. The saving in carriage amounts to the whole value the article has derived gratuitously from nature, if, without good roads, it could not be had at all. Were it possible to transplant from the mountain to the plain the beautiful forests that flourish and rot neglected upon the inaccessible sides of the Alps and Pyrenees, the value of these forests would be an entirely new creation of value to mankind, a clear gain of revenue both to the landholder and the consumer also." P. 207-8.

The same author adds the following:

"Roads and canals are costly public works, even in countries where they are under judicious and economical management. Yet, probably, in most cases, the benefits they afford to the community far exceed the charges. Were we to calculate what would be the charge of carriage upon all the articles and commodities that now pass along any road in the course of a year, if the road did not exist, and compare it with the utmost charge, under present circumstances, the whole difference that would appear will be so much gain to the consumers of all those articles, and so much positive and clear nett profit to the community." Vol. ii, p. 229.

Since the general peace in Europe, a large portion of the people of this country have been suffering under heavy embarrassment, in consequence of having contracted debts when the nominal value of all property was at a high rate. This embarrassment is the necessary effect of the general depression of the nominal value of property. It has borne most severely on the inhabitants in the interior of our country, who have a few facilities to obtain a market for their produce to pay their debts; and of course they cease, to a great extent, to be purchasers of the products of the industry and enterprise of others. Malthus lays down this sound proposition—that “whenever the produce of a country, estimated in the labor which it will command, falls in value, it is evident that with it the power and will to purchase the same quantity of labor must be diminished, and the effect we demand for an increase of produce must, for a time, be checked.” P. 32.

Facilities for transportation, then, are facilities for production. What gives to the great State of New York, and to her city of that name, their pre-eminence in this Union? Sir, it is their enterprise by means of the facilities for transportation they have created and extended—facilities for internal commerce. Without these, their external commerce would rapidly decline. And, sir, I hope the enlightened delegation from that State will not oppose the attempt of the General Government to do for the Union what she has so wisely and successfully done for herself. Much as she has done, the interior of that State would be greatly improved by more good roads, and the value of her own canals would be augmented. But gentlemen seem to be alarmed at this proposed exercise of power by the General Government, as tending to a consolidation of the powers of the State Governments into one sovereignty. I have not been able to discover this tendency.

But, sir, I have seen cause for the most solemn alarm at the apprehension of an opposite tendency—a tendency to insubordination and disunion, with all their attendant horrors. The period is but just passed, when the evident weakness of the bonds of this Union, and the want of national sympathy and national character, filled the hearts of the most devoted and intelligent friends of the Union with deep consternation. Had the period of trial been prolonged, no man can calculate what might have been the consequences. Now, sir, is the favorable time to strengthen the bonds of the Union, by interests that will identify us as one people; that each citizen in either extreme of this Union may feel that in each citizen in the opposite extreme he has a brother. Will the construction of a road encroach upon State sovereignties? Will they contend for the exclusive right to promote their own interests?

The power of the General Government to construct a road in any individual State, I consider as not necessarily a supreme power, but as a concurrent power. Hence there is no cause for alarm to State authorities. The power of Congress to construct roads in an individual State, implies no denial of power to that State to construct roads. Much of the legislation of Congress, and of the several States, has been concurrent legislation. The militia laws of the United States, and of the several States, are acts of concurrent legislation. By concurrent legislation I do not mean that the action of one party is necessary to the action of the other, as in the case of two branches of the same legislature. The power I speak of is, the power which either the General Government or a State Government may exercise without encroaching upon the proper right of the other. It is a power that belongs not exclusively to either. If the distinguished statesmen whose names have been mentioned, who have received the homage of all hearts, had imagined that a system of internal improvements would lead to consolidation, or to an undue ascendancy of the General over the State Governments, they never would have recommended that system.

If any men ever lived for the cause of liberty and their

country, this meed belongs to them. Are we wiser than they were? Are we more patriotic? Do we better understand the policy of free government than they understood it? There is no system of policy that the General Government can ever pursue, without giving offence to some parts of the Union. I would have the individual States retain and exercise every particle of their rightful power. But, sir, I maintain that allegiance to the Union is essential to the preservation of the liberties of all the individual States. Mr. Madison remarks on this principle of paramount power, which is distinctly asserted in the constitution of the United States, that if this had not been adopted, “the world would have seen, for the first time, a system of government founded on an inversion of the fundamental principles of all government; it would have seen the authority of the whole society every where subordinate to the authority of the parts; it would have seen a monster, in which the head was under the direction of the members.”—*Fed. No. 44, p. 286.*

It must ever be painful to the friends of the Union on such occasions as the construction of a road, the passage of a tariff act, or even of a law declaring war, to hear the language of revolt from any portion of the citizens. The following remarks by Mr. Madison in the forty-fifth number of the *Federalist*, are too pertinent and monitory to be omitted here:

“If the Union, (he says) as has been shown, be essential to the security of the people of America against foreign danger; if it be essential to their security against contentions and wars among the different States; if it be essential to guard them against the violent and oppressive factions which embitter the blessings of liberty, and against those military establishments which must gradually poison its very fountain; if, in a word, the Union be essential to the happiness of the people of America, is it not preposterous to urge as an objection to a Government, without which the objects of the Union cannot be attained, that such a Government may derogate from the importance of the Governments of the individual States?”

“Was, then, the American revolution effected, was the American confederacy formed, was the precious blood of thousands spilt, and the hard earned substance of millions lavished—not that the people of America should enjoy peace, liberty, and safety; but that the Governments of the individual States, that particular municipal establishments, might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty? We have heard of the impious doctrine in the old world, that the people were made for kings, not kings for the people. Is the same doctrine to be revived in the new, in another shape, that the solid happiness of the people is to be sacrificed to the views of political institutions of a different form? It is too early for politicians to presume on our forgetting that the public good, the real welfare of the people, is the supreme object to be pursued, and that no form of government whatever has any other value than as it may be fitted for the attainment of this object. Were the plan of the convention (that formed our present constitution) adverse to the public happiness, my voice would be, reject the plan. In like manner, as far as the sovereignty of the States cannot be reconciled to the happiness of the people, the voice of every good citizen must be, let the former be sacrificed to the latter.”

The same counsels were repeated by the illustrious and venerated father of his country, in the parting blessing he pronounced on his retirement from the Presidency.

In my opinion, sir, whatever may be said or done by political aspirants to the contrary, the people, and a large majority of them, too, will sustain the General Government in measures to strengthen the bonds of the Union. They have no pleasure in contemplating that either they or their children may be involved in strifes between State sovereignties, or in civil war from any cause.

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From some quarters in this House, it has been said that the money to construct this road ought not to be taken from the treasury; that it would be better to repeal the tariff, to abolish the system of duties, and let the people keep their money in their own pockets. By such a course, sir, the Union itself would soon be abandoned. Instead of the present burdens, each State, if she would have commerce, must maintain her own navy. If she would guard her rights, she must support her own armies. The great States would soon conquer the small States, and then would result a consolidation of most fearful character. Would it be wise to abolish the revenue system, and cut off the resources that replenish the treasury? Soon would our navy be reduced, and our commerce every where would become the prey of freebooters. War, or disgrace and ruin, must follow. Sir, if the duties be too high, let them be reduced, but let not the General Government be stripped of its sinews to save a little money in the pockets of the people.

During Mr. Jefferson's administration, in one of his messages to Congress, he took into consideration the question of the expediency of abolishing a part of the revenue. He came to this conclusion, which I will give in his own words. "Patriotism would certainly prefer the continuance of impost, and its application to the great purposes of public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers."

In reviewing the history of this Government during nearly half the period of its existence, and the principles and measures which have been warmly advocated by the wisest and most distinguished of its founders, I come to the conclusion that the system of internal improvements is destined to go forward, and that fidelity to my constituents, and to "the general welfare," demands my efforts, though humble, to equalize the benefits of it as nearly as practicable to all parts of the country.

In this system I consider the people of the United States as having a more direct and important interest than in any other that can be devised, excepting that of education, which may have its benefits to every family and every individual.

Is there any thing of imposing splendor in the plan of a free road, extending a distance of two thousand miles through the interior of this country? From one end to the other, where now are fens, and caverns, and forests, will be a highway for the march of civilization, and of the prosperity of the people; an extended line of communication to the eye of the patriot and the philanthropist, beautifully studded with flourishing villages and towns. To a vast number of our citizens it will hold up new encouragements and new means to throw off their almost hopeless embarrassments, new encouragements and means to support schools and seminaries for the education of their youth, and in numerous ways to add to the general wealth and prosperity of our country.

Does this proposed measure threaten to the country an oppressive burden? If it were so, I would not advocate it. This road may cost three, or even six millions of dollars. During a number of years past, after disbursing the ordinary expenses for the support of Government, and the appropriations, a balance has been left in the treasury of more than three millions of dollars, and amounting, in some instances, to more than six millions of dollars. The duties on several articles of necessity may then be reduced, and, in a short time, the public debt will have been discharged, and the revenue will be equal to all probable demands upon the Government. In a few years the appropriations for the payment of military pensions must almost entirely cease.

Sir, the revenue, amounting to twenty-six or twenty-eight millions of dollars, is drawn from the people of the interior as well as from the rest. For the improvement of that part of the country, let a few millions go back to

reward their labor in the construction of the proposed road. It will not be lost to the country nor to the Government. The true capital of a country consists not in money, but in its amount of productive industry. Good roads are of more value to the country than money in either the pockets of the people or in the national treasury. Malthus justly remarks, that, "amongst abundance of other causes of the misery and weakness of the countries subjected to the Ottoman dominion, it cannot be doubted that one of the principal is the vast quantity of capital remaining in a state of inactivity." Vol. ii, p. 87.

Construct this national road, and, from the eastern extremity of our Atlantic coast, through the interior of the country, to the Mississippi, there will soon be a line of villages and towns of greater value to the Union than would be a chain of mountains of the richest ore. When this road is completed, if the prosperity of the country continues, let there be branches extended from this road into other sections of the Union. By a policy like this, the citizens of this republic may be more firmly attached to their Government, and better satisfied that its designs are

"Lofty and pure, and meant for general good."

The gentleman from Tennessee [Mr. POLK] is alarmed at the cost of this road. If the road be extended as proposed by the amendment I intend to offer, according to the estimate of the committee who reported the bill, it will cost three millions of dollars. The gentleman from Tennessee says seven millions. The truth may prove to be between the extremes.

In the treasury, on the first of January, 1830, was a balance of six million six hundred and sixty-eight thousand two hundred and eighty-six dollars, a surplus beyond what the service of that year required. On the 1st of January, 1829, there was a surplus of five million nine hundred and seventy-two thousand four hundred and thirty-five dollars not required for the service of that year. The estimated balance in the year 1830 falls somewhat below five millions of dollars. This, I have no doubt, is a very safe calculation. The amount of the public debt redeemable is rapidly diminishing. The amount paid in 1828 was above twelve millions of dollars. Nearly the same amount of public debt was paid in 1829. But the statement of the Secretary of the Treasury shows that the amount of public debt redeemable is rapidly sinking. The amount redeemable in 1830 is set at eight million seventeen thousand six hundred and ninety-five dollars. The amount of public debt to be paid, that is, to fulfil the engagements of the Government,

For 1831, is estimated at	\$7,705,960
For 1832, at	8,413,479
For 1833, at	3,313,247
For 1834, at	5,720,948

Thus the gradual diminution of the public debt, as redeemable, would leave a sum sufficient to build, every year, a road such as this bill proposes. But those sums stated by the Secretary will not discharge the whole debt. The Secretary of the Treasury proposes the sum of twelve millions to be paid annually. This, he says, will complete "the payment of the whole public debt within the year 1834, without applying the bank shares." Why, then, this alarm at a proposition to construct a road that will cost three, or even six, millions of dollars?

Another objection. This road will be a subject of controversy. Will this be a good reason against the measure? Every measure requiring appropriations is contested. It will ever be so. In all parts of our country, in every town and district where there are roads, there are controversies. And, generally, where are the most controversies, there are the best roads.

The opposition to this bill has been powerful and ingenious, but, to my mind, far from being convincing. I hope the bill, in an amended form, may pass—that the road may

be truly national, or, I would rather say, republican in its character, equalizing and extending its benefits as far as practicable. For the permanent benefit of so great a portion of the population of the United States, in my judgment there is no instance in which the money of the treasury has ever been better applied. In no instance have the people of the interior of this country, to an equal extent, received from the many millions paid by them and expended, benefits so substantial as is proposed by this bill. It is on this ground, and for reasons I have now offered, I support it. I ask only that it may have a national character, or at least that it may have something of the proportions of a system adapted to the claims of the country. For appropriations to carry forward internal improvements in various parts of the Union, other than the eastern States, I have uniformly voted since I have had the honor of a seat here. For the part of the Union from which I come, I should be false to my trust if I did not claim a share in the benefits of this system. If this claim be not allowed, I shall consider myself under no obligation to vote for the bill. If it be allowed, I shall hold myself bound to vote for it. This course I have determined on for myself, as fair and consistent, and no more than just to my constituents and to the eastern section of this Union.

Note by Mr. R.

Mr. P. P. BARBOUR has subjoined to his speech on the proposed national road, a note, containing some statements of the revenue derived from the New York canals, and of the balance against them in expenses. He shows that the interest on the original cost of the canals, and the expenses for superintendence, repairs, &c. in 1826, exceeded the amount of revenue accruing from them in the sum of four hundred and six thousand one hundred and forty-three dollars and seven cents. Is it inferrible from this fact that the canals are unprofitable to the State of New York? I put this question to the gentleman as a fair one. I am not aware that the gentleman could have had any other object in his note, than to lead the public to this inference. But is this inference authorized by the premises? Would the gentleman deny that, by the facilities created by the canals, the amount of millions of dollars in the products of the State is annually transported to market? It may be confidently asserted that the facilities for obtaining a market actually increase to an almost incredible degree the products of a country. If the question rest on the principles of loss and gain, then the canals are profitable to the State. They give a spring to industry and enterprise, and greatly augment the power of production. This to any people is wealth, and the procuring cause of their prosperity and their happiness. On what principle are county or State roads constructed? Are they constructed for purposes of public revenue? Surely not. In towns or counties all the citizens are taxed for the purpose of making and repairing one or more principal roads passing through them. The principal road does not go by every man's dwelling; but all are taxed for roads, which some of the citizens seldom or never pass. By a good road through the centre of a town or county, the value of every estate in that town or county is augmented. Yet it is impossible, in the nature of things, that all the citizens in a town, county, or State, should derive equal advantages from the principal roads. To resist the construction of roads because the facilities afforded by them would be unequal, would be entirely preposterous. Would the author of the note insist that appropriations ought not to be made except for purposes of revenue? This doctrine would abolish, not only our roads and canals, whether constructed by towns or States, but the whole system of public schools and colleges wherever they exist. They yield no revenue into the treasury; but they yield that which is infinitely more valuable to communities—intelligence, the blessings of civilization, the thousand varied delights of social intercourse. If the

value of the rights and liberties enjoyed by the people of a republic consists in every citizen's keeping his dollars and cents in his own pocket, whilst those around him are illiterate, idle, and denied the facilities for convenient intercourse, a republic has no charms for my mind. The character of a people under its influence must sink into a state of imbecility and degradation. In many parts of this country, good roads cannot for a long time be obtained, unless the General Government constructs them, or they are constructed by what are called private corporations, with power to tax every passenger. It is incumbent on the friends of liberty to consider well the probable consequences that may result from placing the great roads of this country under the control of such corporations. The gentleman from Virginia might be pointed to a bridge corporation, that, on the ground of its pretended vested rights, to the subversion of the rights of the public, have wrung from a great and enterprising community a vast amount of their hard earnings. This was the necessary consequence of neglect on the part of the public authority to make provision at the public expense for facilities demanded for the convenience of that community. There is no portion of a community exposed to suffer more than the agricultural, by the want of facilities to transport their produce to market. Why is corn worth only from twelve and a half to twenty-five cents per bushel in the interior of Virginia, and at the same moment worth from fifty to seventy-five cents per bushel in Boston? The want of facilities for transportation accounts for this difference of from one hundred to five hundred per cent. This is an illustration which, with many others, puts to a severe test the notions of political economy advanced by the very able and eloquent member from Virginia in his speech against the proposed national road.

Mr. CROCKETT, of Tennessee, submitted an amendment, providing that the road should run from the city of Washington, in a direct route, to Memphis, on the Mississippi river, in the western district of Tennessee.

In support of his amendment, Mr. CROCKETT said, he was truly sorry, under existing circumstances, to trouble the committee with any remarks upon the subject, especially as a considerable portion of time had already been consumed by the Representatives from his State, no less than four gentlemen from Tennessee having addressed the committee, [Messrs. BLAIR, ISACKS, POLK, and STANDIFER] all of whom [said Mr. C.] are much better qualified to give light on this subject than myself.

When [he continued] I consider the few opportunities which I have had to obtain information on this important topic, I shrink at the idea of addressing so intelligent a body as this, upon matters relating to it. My lips would be sealed in silence, were I not fully convinced that there has been, in some instances, a partial and improper legislation resorted to during the present session. I was elected from the western district of Tennessee, after declaring myself a friend to this measure; and I came here quite hot for the road—yes, the fever was upon me; but I confess I am getting quite cool on the subject of expending money for the gratification of certain gentlemen who happen to have different views from those I entertain. Let us inquire where this money comes from. It will be found that even our poor citizens have to contribute towards the supply. I have not forgotten how I first found my way to this House; I pledged myself to the good people who sent me here, that I would oppose certain tariff measures, and strive to remove the duties upon salt, sugar, coffee, and other articles, which the poor, as well as the rich, are, from necessity compelled to consume. The duties on these articles are felt to be oppressive by my fellow-citizens; and, as long as I can raise my voice, I will oppose the odious system which sanctions them.

Those who sustain the Government, and furnish the means, have, by the illiberality of their servants, been

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kept in ignorance of the true cause of some of their sufferings. These servants, after the people entrust them with their confidence, too often forget the interest of their employers, and are led away by some designing gentlemen, who, to gratify some wild notion, are almost willing to enslave the poorer class at least. I am one of those who are called self-taught men; by the kindness of my neighbors, and some exertion of my own, I have been raised from obscurity without an education. I am therefore compelled to address the committee in the language of a farmer, which, I hope, will be understood. I do not mean to oppose internal improvements—my votes on that subject will show that I am an internal improvement man, though I cannot go, as the Kentuckian says, “the whole hog.” I will only go as far as the situation of the country will admit, so far as not to oppress. I will not say that I will vote against the bill under all circumstances, yet, at this moment, I consider it a wild notion to carry the road to the extent contemplated, from Buffalo to this city, and from this to New Orleans. Adopt my amendment, and you will shorten the distance five hundred miles, which will save, in the outset, upwards of seven hundred and fifty thousand dollars to the country. Is not this worthy the consideration of the committee? Besides, it would, in a measure, be useless to open the road as contemplated by the bill. I recollect there was a road opened by the army, from the lower end of the Muscle shoals, on the Tennessee river, to Lake Pontchartrain, and thence to New Orleans, and now it is grown up, except about one hundred and twenty miles, so that it is impassable; this is according to information I have received from gentlemen who are acquainted with the road.

From East Tennessee to New Orleans it must be upwards of eight hundred miles; from that place to Memphis, I mean from where the road would pass, between two and three hundred. I am well acquainted with the local situation of East Tennessee, and do not doubt that it would be of great use to make a good road from Memphis to this city. The contemplated road is to commence at Buffalo, come to this city, and go thence to New Orleans. But suppose we should say it were best to begin at Memphis, and come to this place? Will this be opposed? Will the rule not work both ways? If not, it is a bad concern. I am astonished that certain of our eastern friends have become so kind to us. They are quite willing to aid in distributing a portion of the national funds among us of the West. This was not so once. And, if I am not deceived, their present kindness is merely a bait to cover the hook which is intended to haul in the western and southern people; and when we are hooked over the barb, we will have to yield. Their policy reminds me of a certain man in the State of Ohio, who, having caught a racoon, placed it in a bag, and, as he was on his way home, he met a neighbor, who was anxious to know what he had in his bag. He was told to put his hand in and feel, and in doing so he was bit through the fingers; he then asked what it was, and was told that it was only a bite. I fear that our good eastern friends have a hook and a bite for us; and, if we are once fastened, it will close the concern. We may then despair of paying the national debt; we may bid farewell to all other internal improvements; and, finally, we may bid farewell to all hopes of ever reducing duties on any thing. This is honestly my opinion; and again I say, I cannot consent to “go the whole hog.” But I will go as far as Memphis. There let this great road strike the Mississippi, where the steamboats are passing every hour in the day and night; where you can board a steamboat, and, in seven or eight days, go to New Orleans and back; where there is no obstruction at any time of the year. I would thank any man to show this committee the use of a road which will run parallel with the Mississippi for five or six hundred miles. Will any man say that the road would be preferred to the river either for transportation

or travelling? No, sir. Then, is not your project useless, and will it not prove an improper expenditure of the public funds to attempt to carry the road beyond Memphis? New Orleans has local advantages which nothing can take from her; it cannot injure her to have the road terminate at Memphis; and if the road should so terminate, it would be on the direct route from this city to the province of Texas, which I hope will one day belong to the United States, and that at no great distance of time.

These considerations, I think, are entitled to the notice of the committee. If we must burden the people by a great expenditure, let us endeavor to do it with a view to the general good of the country. As to the defence of the country, every man must know that the valley of the Mississippi can produce a sufficient number of troops to meet any enemy who may have the audacity or vanity to attack our western frontiers or New Orleans—that noted battle ground, where, a few years since, we made the most powerful enemy on earth tremble; where the proud troops of England, headed by their haughty Lord Pakenham, so soon became tired of our present Chief Magistrate and his brave little band. We are at present much stronger than during the last war; and if we desire to transport an army to New Orleans, or any thing else, nature has furnished us with the best road in the world, the importance of which we have once experienced. Should it ever happen that your brave soldiers, who fought so gallantly at Bladensburg, should be called on to render us assistance, I should be in favor of their taking a water passage at Memphis; a ride on the water, and a pleasant nap or two, might recruit their strength, and sustain their natural bravery. I do not anticipate that those heroes will ever be called on to protect us; if there is a call, it will be on the other side; and it is now to be regretted that you had not been aided here by a few Kentucky and Tennessee boys, in your brave exertions to prevent the disgraceful burning of the capitol.

In the district which I represent, there are eighteen counties, in the whole of which there is not a spot of ground twenty-five miles from a navigable stream; and, for my part, I would much rather see the public money expended in clearing out those rivers, than in opening roads. By the bill, fifteen hundred dollars per mile is to be expended. This, I fear, would be but an entering wedge. But we will suppose the road to be fifteen hundred miles in length; at this rate it would cost two million two hundred and fifty thousand dollars. But I believe the distance to be farther than gentlemen have calculated, and the expense will be greater.

There is another objection to carrying the road to the extent contemplated by the bill. I think many gentlemen have a very erroneous idea about the nature of the country through which they mean to make the road; they, perhaps, do not know that a considerable portion of it will pass through a low, flat, and marshy country, entirely destitute of rock, gravel, or stone. These low grounds are, in many instances, a perfect swamp; and I cannot be convinced, by any gentleman, that a mud road can be of any use after it is made. Gentlemen are much mistaken if they think the country bordering on the Mississippi to be like this. My opinion is, that if you were to have the road thrown up as contemplated by the bill, it would be impassable the whole of the winter season; neither wagons nor horses could travel on it during the time when it would be most wanted. If an attack is made on New Orleans, it will be in the winter, because troops, on account of liability to sickness, will not be taken there during the summer; and in the winter your road would be of no use. The Mississippi gives to New Orleans the advantage over any other point on the continent, so far as regards the facility with which she can be furnished with a force and the materials of war. At a few days' notice, a sufficient force can be collected at that place, to contend with any foe; but I do

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not expect that we shall ever again be called on to defend that point.

I am reminded that I have, in several of my speeches to my constituents, given it as my opinion that General Jackson would diminish the national debt faster than any President who has preceded him. I would be pleased to see him effect what I have anticipated; and I think it would be equally pleasing to the country at large. We boast of our freedom; let us also place ourselves in a state in which we can boast of our unembarrassed situation. I am one of those who feel willing to give the present administration a fair opportunity to pay all the public debts, if possible, during its existence. I wish not to embarrass it by erecting large public expenditures—let it have a chance to do its best. I heard a few days since on this floor, that we were about to bankrupt the nation by bestowing a portion of the public funds upon the remaining few of that glorious band of revolutionary worthies, whose blood and toil have purchased for us our boasted liberties; who have been knocking at the door of Congress so long, that but a meagre group remain—the rest having tottered to their graves. If we wait a little longer, the few left will also be out of the reach of our slow charity. Yet gentlemen will talk of bankrupting the nation, when these aged heroes, who gained our independence, extend their hands; and still find excuses for large expenditures, the expediency of which is doubtful. My vote will always be given for the aid of our revolutionary heroes, in preference to your Buffalo road, or any other road.

To be honest, I must lay this matter before the people in a plain manner. I must say that there is but one reason by which I could justify myself for voting for the bill. It is this: I discover a determination to squander the public funds in some way; and, therefore, I should strive to "come in for snacks." There is a bill on your table which will take from your treasury about six hundred thousand dollars for erecting light-houses, and making surveys along the seaboard. Some money, certainly, ought to be distributed to the West; and, to effect this, I must vote for the road bill. I have seen three attempts made, during this session, to reduce duties, and all to no effect. If, then, high duties are to be kept up, should I not try to extend a portion of their avails to the people of the West, who have to pay their proportion? I would much rather, however, let the people keep the money in their own pockets, than to have it expended in paying high salaries to the men who gather the money into the treasury, and in paying ourselves high wages for squandering it to the four winds. These are evils which should be remedied; a host of those who subsist on treasury pay should be dismissed, or their wages lessened; and much of the money which is now required for our various appropriations, should be left in the pockets of the people. This doctrine will suit our western and southern people, but it may not be acceptable to some eastern gentlemen, who are so anxious to encourage manufactures of all kinds at any sacrifice. It is my firm belief that our eastern brethren wish to place us of the South and West in such a dilemma, that we shall be compelled to keep up the duties to their highest extent. They well know that, if we commence this work, fifty millions of dollars will be asked to complete it. If we but once commence, they will have us bound to maintain a high tariff for many years; and I would not be surprised if we should finally be obliged to resort to a system of direct taxation. This will be a tough morsel for the people in my part of the country to swallow. I hope never to see it offered to them—but I confess I am getting somewhat alarmed.

I came here as much authorized to vote for this measure as any man in Congress. I had expressed my willingness to support the measure to all my constituents; but its expediency, at this time, I must confess, appears to me extremely doubtful. I do not hesitate at all on account of

scruples as to the rightful power of Congress—having always voted for internal improvements—and I will even support this bill if you will adopt my amendment, and carry the road direct to Memphis. By this, Memphis would soon become an important point; and certainly the other route can be of no essential benefit to New Orleans, that I can discover.

I have endeavored to be candid in giving my views on the subject. I thought it right to give a fair statement of facts. Gentlemen may now think that I am pledged to vote against the bill, but I wish not to be misunderstood. I repeat, that I will vote for the bill with my amendment. And if you will take into consideration the fact, that the Legislature of Tennessee have directed their Senators and Representatives here, to ask the Government to subscribe half a million of dollars to make a turnpike road from the Virginia line to Memphis, and that the road contemplated in the bill, if carried to Memphis, will supersede the one which the Tennessee Legislature has in view, I think you will see the importance of the amendment, which, if adopted, will secure my support of the bill; but no consideration will induce me to vote for the southern route.

With these views I will submit the question to the committee, to whom I return my thanks for their politeness.

Mr. CHILTON gave his reasons against the measure, although friendly to the system of internal improvement.

The debate was continued by Messrs. COKE, CARSON, CRAIG, of Virginia, SPEIGHT, PETTIS, and BARRINGER; but, before a vote was taken on the final question,

The committee rose, and reported progress.

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The House then resumed the consideration of the following resolution, offered by Mr. McDUFFIE:

Resolved, That the Committee on Retrenchment be instructed to report a bill providing that whenever the first session of Congress shall continue for a longer period than one hundred and twenty days, the pay of the members shall be reduced to two dollars per day from and after the termination of the said one hundred and twenty days; and that whenever the second session of Congress shall continue for a longer period than ninety days, the pay of the members shall be reduced to two dollars per day from and after the termination of the said ninety days."

The question being on the motion of Mr. EVERETT to amend, by striking out the whole resolution after the word *Resolved*, and inserting the following words:

"That provision ought to be made, by law, that the first session of Congress shall be limited to the 15th day of April; and that the second session of Congress shall commence on the first Monday of November, except when otherwise provided by law."

Mr. SMYTH, of Virginia, spoke at some length, in opposition to the resolution. He said the object of the gentleman from South Carolina, who had introduced the resolution, seemed to him to be the application of a forfeiture of the pay of members for the purpose of curtailing the length of the session of Congress. It also contemplated an indirect reduction of the per diem allowance of members. He confidently believed it was no part of the policy of that gentleman (Mr. McDUFFIE) to seek popularity by his proposition; but he believed him mistaken in relation to the effect which would result from its adoption. He believed its effect would be to leave the business of legislation, or throw it into the hands of less competent incumbents. It went upon the hypothesis that one hundred days were sufficient for the transaction of the public business. To this he could not agree; its admission would be to pass condemnation upon their predecessors. The last five

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sessions of Congress had averaged one hundred and sixty seven days; and all experience proved that one hundred and seventy days, per session, were necessary. It should be considered that the business of Congress was continually increasing, on account of the great national questions arising before them—the pension system, the internal improvement system, &c.

Mr. S. said, he did not believe it was the wish of the people that their representatives should legislate for them without pay after they have been in session one hundred and twenty days, should they find it necessary to remain longer. He also contended that, should this proposition be adopted, the members in ordinary circumstances, who represented the true interests of the people, would be compelled, in justice to their own interest, to go home as soon as their pay was reduced; and there would consequently be none but the aristocracy left to do the business of legislation. He held it bad policy to render the representatives of the people at all dependant by a curtailment of their pay. It drove them to seek relief in Executive patronage; and he could refer to hundreds who had gone into post offices, Indian agencies, &c.; and he deemed this an evidence that they were insufficiently provided for. Mr. S. said, if the pay of other officers of Government were reduced in the same ratio, he would consent to reduce the pay of members to six dollars a day; but not otherwise.

Mr. S. then went into an examination of the business which has been done this session, in comparison with that transacted during former sessions. He concluded by remarking that he believed the only remedy for the evil complained of, was to be found in short speeches and long days' sessions; and he moved an amendment to the amendment, providing that, during the remainder of the session, a motion to adjourn should not be in order until half past four o'clock.

This proposition, involving an amendment of the rules of the House, and consequently requiring to be laid one day on the table, was decided by the Speaker not to be in order.

Mr. SPEIGHT said, he had hoped that, when this subject was first brought forward by the gentleman from South Carolina, [Mr. McDUFFIE] it would have met with little or no objection. He thought the evil complained of was one obviously plain to the view of any person; and, he would venture to say, if gentleman in this House were disposed to shut them up, and refuse to apply the remedy, the people of the country would not long submit to the impositions that were practised on them. Mr. S. said, he had scarcely heard a single gentleman open his mouth in this debate, who had not conceded the point that much time was unnecessarily consumed here in legislation. Yet, when a remedy is proposed, there is such an apparent sensitiveness manifested, as almost to preclude the possibility of even acting on the subject, much more of effecting any thing like a remedy. Sir, the further this debate has progressed, the more I have been convinced there is not the least shadow of hope of effecting any thing like retrenchment in this House. We hear it resounded from all sides, that the effect of this resolution will be to cast an imputation on our own conduct. That it is impliedly saying, we do not render an equivalent for the time we consume here in legislation. Sir, I care not what the imputation might be, I am convinced something ought to be done to stop the progress of an evil which, in its tendency, threatens evils of no ordinary magnitude.

He would repeat again, that he cared not what might be the effect it might have on public opinion; he asserted much unnecessary time was consumed here. Our sessions are too long; and, sir, without intending to cast imputation on the character of any gentleman, my own opinion is, if our wages were curtailed, it would shorten the sessions. Sir, do you confine Congress within its legitimate sphere, and three months in each year is more than sufficient for the legislation of this country. Pass a law commensurate

with this resolution, let it become the law of the land that the first session of each Congress shall be limited to four months, and beyond which the pay of members shall not exceed two dollars per day; and, sir, my impression is, there would not be many days consumed after the four months expired. Considerable pains [said Mr. S.] has been taken by the gentlemen opposed to this resolution, to show that the present session will not exceed those heretofore, on account of time and expense. We have been told that every long session has lasted five months; and, as a matter of course, this must do so too. This, sir, is the very reason why I am for the new order of things. Sir, "old things are to be done away, and all things are to become new." These are the hallowed days of "retrenchment and reform;" and, for the very reasons which gentlemen oppose the resolution, he would support it. The people expect at our hands a correction of all those abuses which have crept into the Government; and he could assure the House, that there was none which they were more disposed to work at, than the one now complained of. Sir, if this abuse of trust—this profligate waste of public money, has existed coeval with the formation of this Government, it is high time the evil was arrested; "now is the accepted time, and day of salvation." It is high time, indeed, that the laborer should be made to render an equivalent for his hire. He did not mean to impugn the members of Congress who had preceded him, but he would say, if he were to judge of the past by the present, abuses had existed. We sir, commenced our session on the 7th day of December; almost four months have elapsed, and what have we done? If there is a bill which has been passed of a public nature, save a few appropriations, they have escaped my memory. And, sir, how many private ones have we passed? Some forty or fifty; and here, sir, is our indefatigable exertion which gentlemen boast of. Sir, I will state one fact which, in my opinion, carries condemnation with it. During the first month, and until after the Christmas holidays, we met at twelve, and adjourned between two and three o'clock, and, every week, adjourn over from Thursday till Monday. Two months, sir, of the first of this session were spent without doing any thing but undergoing the mere formalities of meeting and adjourning. These are some of the evils which the gentleman, from South Carolina proposes to remedy. And yet we are gravely told by gentlemen, that to pass this resolution would imply censure on our own conduct. Sir, for one, I am willing to risk it. If public servants fail to do their master's will, they deserve punishment. He wondered that gentlemen, in the scope of their extraordinary imaginations, had not thought of another censure, the fatal and pernicious consequences of which, in his opinion, were as much to be dreaded as the one before mentioned. It is this, there is an old adage, which said, "touch a galled horse, and he will flinch." Now, sir, [said he] what will be the imaginations of our constituents, when they come to hear that there is so much sensitiveness exercised about reducing the pay of members? Why, sir, they will suppose, that, indeed, with us, the public good is a matter but of secondary consideration; and the opinion will at least be as national to suppose that we came here for pecuniary considerations, as that the adoption of this resolution implies a censure on our conduct. Sir, it is true as gospel, that none under heaven are so apt to feel the lash of censure as those who are guilty. Sir, far be it from me to impute dishonorable motives to any member of this House, I am only speaking of the effect the course of gentlemen will have on public opinion. Sir, I am truly sorry that gentlemen have thought proper to oppose this resolution with such violence. The opinions of Mr. Jefferson have been quoted by the gentleman from Virginia, [Mr. SMITH.] It is said that he recommended long sessions and short speeches. Mr. S. said he thought the gentleman from Virginia was amongst the last who should complain

of long speeches. When the Register of Debates for this session shall be published, the gentleman will not be behind in size or number. The fact was, this session, it had been long speeches and short session, and so it would continue to be unless something was done to check the evil; for if we are to judge from the former conduct evinced in the debates, this is to be a speaking session. On account of some strange fatality or other, we are doomed to do nothing this session. Sir, my honest opinion is, that unless some such measure as the one proposed by the resolution or amendment is adopted, we shall always labor under the difficulty we do now. Gentlemen had rallied out against the original resolution, because it would deprive them of a month to stay here. Why, sir, if the amendment of the gentleman from Massachusetts [Mr. EVERETT] should be adopted, in the two years we should stay as long as we do now. The amendment proposes to limit the long session to four months, and that the short session shall commence the 1st of November; thus allowing, in the two years, eight months for legislation—one-third of our time; and I have no hesitation in saying that that is two months more than we should, in justice to the country, appropriate. Sir, my own opinion is, that three months is long enough for each session, and will afford ample time for the legislation of this country. Considerable had been said during this debate about the compensation of members. Sir, I am of the same opinion now that I was when this subject was before the House in the fore part of the session. Six dollars per day is enough for any man to receive for his services. But he had not understood that this was the object of the gentleman from South Carolina, but to shorten the session; and, if we staid longer than the time presented in the resolution, to reduce it to two dollars per day. Now, sir, suppose the long session to last six months; why, by the alteration proposed, each member would receive six dollars per day on an average, which, in his opinion, would be sufficient to compensate any man for his services. He continued, he was sorry to hear one objection which was raised to the passage of the resolution. It was this, that its effect would strike at the root of the great plans of internal improvement and the protection of home industry. In conclusion, he would answer that by saying, that recent demonstrations of sentiment in this House had evinced that whatever was left undone, the tariff and appropriations would be attended to—any proposition which takes money out of the treasury will be attended to.

Mr. STORRS, of New York, understood the object of the resolution to be the correction of a moral evil, the existence of which was evident. He thought it would be a reflection on the House to contend that it could not transact all the essential business which came before it in four months. The number of bills which were passed at the long sessions, he believed, did not exceed those passed at the short sessions. He referred to the haste with which bills were urged through on the last ten or twelve days of the session. Of this system of legislation he contended there was no necessity, as bills could as well be passed expeditiously in the middle of the session as at its close. He warned new members that they would witness the same scene that old ones had become accustomed to. He believed that the first month of the session, on account of the holidays, was rendered nearly or quite useless; and if the session was to be shortened, it should be by meeting on the first Monday in January, instead of the first Monday in December. The rules of the House did not properly regulate its proceedings. They continued to make the bills the order of the day for to-morrow, while that to-morrow never came. The resolution which they were now discussing, for instance, still occupied the hour devoted to resolutions, to the exclusion of all other business. The judiciary bill had been thrown aside for so long a period, that he really had forgotten what question was in

order on its discussion. This, too, [said Mr. S.] is the day on which the gentleman from Tennessee [Mr. BELL] was to have introduced his bill upon the subject of our Indian relations. Mr. S. concluded by expressing his conviction that, if gentlemen would come to the resolution to cut short these interminable debates, lop off the first month of the session, assemble on the first Monday in January, and look forward to the first of May as the desirable period to return to their domestic affairs, the public business would be more faithfully performed, and the deprecatived evil corrected.

Mr. CAMBRELENG said, he agreed with his colleague [Mr. STORRS] that the proper mode of shortening the session was to take from the first part of it; but he could not join in the charge which had so frequently been made against this House, particularly of a want of energy and industry. He would defy any member, no matter how long he might have held a seat on that floor, to point to any former session when twenty and thirty bills had been passed in a day in the middle of a session, as was the case on Friday and Saturday last. It seemed to be the particular desire of some members most unjustifiably to find fault with this Congress in distinction of all others. While he was up, he would ask the gentleman from Massachusetts [Mr. EVERETT] to modify his amendment so as to fix the termination of the first session, hereafter, at the 15th of April; which was accepted.

Mr. EVERETT accepted the modification.

The previous question was then demanded, and the House ordered the main question to be put.

The main question, being on the passage of the resolution, was then put, and decided in the negative as follows:

YEAS.—Messrs. Alston, Angel, Bailey, P. P. Barbour, Barnwell, Baylor, James Blair, John Blair, Boon, Brown, Cahoon, Campbell, Chilton, Claiborne, Clay, Conner, Crawford, Daniel, Desha, Doddridge, Drayton, Dudley, Dwight, Earll, Ellsworth, Foster, Gilmore, Gordon, Hall, Halsey, Hammons, Harvey, Haynes, Hubbard, R. M. Johnson, P. King, Lamar, Lewis, Loyall, Lumpkin, Lyon, Magee, Martin, McCoy, McDuffie, Mitchell, Nuckolls, Powers, Richardson, Roane, Shepard, Speight, Standifer, Thompson, of Georgia, Tracy, Trezvant, Tucker, Verplanck, Weeks, White, of New York, Wickliffe.—61.

NAYS.—Messrs. Anderson, Arnold, Barber, J. S. Barbour, Barringer, Bates, Beekman, Bell, Bockee, Borst, Bouldin, Brodhead, Buchanan, Burges, Butman, Cambreleng, Chandler, Clark, Coke, Coleman, Condict, Cooper, Coulter, Cowles, Craig, of Virginia, Crane, Crockett, Creighton, Crocheron, Crowninshield, Davenport, Davis, of Massachusetts, Deberry, Denny, De Witt, Dickinson, Duncan, Evans, of Maine, Everett, of Vermont, Findlay, Finch, Ford, Forward, Fry, Gaither, Goodenow, Gorham, Green, Grennell, Hemphill, Hinds, Hodges, Howard, Hughes, Hunt, Huntington, Ingersoll, T. Irwin, W. W. Irvin, Isacks, Johns, Johnson, of Tennessee, Kendall, Kincaid, King, of New York, Lea, Lecompte, Leiper, Lent, Letcher, Mallary, Martindale, Thomas Maxwell, Lewis Maxwell, McCreery, McIntire, Monell, Muhlenberg, Norton, Overton, Pearce, Pettis, Pierson, Polk, Potter, Ramsey, Randolph, Reed, Rencher, Rose, Russel, Scott, Shepperd, Shields, Semmes, Sill, S. A. Smith, A. Smyth, Spencer, of New York, Sprigg, Stanbery, Sterigere, Stephens, Storrs, of New York, Storrs, of Connecticut, Strong, Sutherland, Swift, Taliaferro, Taylor, Test, Thomson, of Ohio, Vance, Varnum, Vinton, Washington, Wayne, Whittlesey, White, of Louisiana, Wilson, Yancey, Young.—122.

TOPOGRAPHICAL SURVEYS.

The bill making appropriations for certain surveys, &c. was then taken up for a third reading.

Mr. WICKLIFFE moved to amend the bill in the clause appropriating money for surveys, by adding a proviso,

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Topographical Surveys.

that the sum appropriated should be expended on works heretofore directed, or which may be directed, by either House of Congress.

Mr. CLAY expressed a hope that the limitation would not be adopted, and asked for the yeas and nays on the question.

At the suggestion of Mr. McDUFFIE, Mr. CLAY withdrew his call for the yeas and nays, which was immediately renewed by Mr. WICKLIFFE.

The yeas and nays were then ordered.

Mr. ELLSWORTH expressed his hope that the amendment would not be adopted. He reminded the House that it had been customary to pass an appropriation of this kind annually, and he desired that it be applied on the usual principle—that the same discretion which had been hitherto given to the proper department in the disbursement of this money, should still be given to them. He argued against the proposed change as inexpedient, unjust, and unreasonable.

Mr. McDUFFIE repeated the objections he had urged against this limitation at the last session, when a similar proposition was negatived by a vote of four to one. If this limitation should be adopted, every member will have his own peculiar project carried through, or no propositions will pass. Complaint had been made that the works begun were not national, yet it was proposed to compel the Government to complete them instead of taking up others which might be national. It was therefore an unreasonable proposition, and he hoped it would not be adopted.

Mr. WICKLIFFE defended his amendment, on the ground generally of the abuse which the present mode led to, the unimportant nature of the works which it enabled members to be procured to be undertaken, &c.

Mr. MARTIN stated, that, although opposed to the system, he was still more opposed to the amendment, in its present form. If the system was to be continued, he was for leaving its exercise where it was now, to the Executive, and to keep this House as clear as possible of the contention and the agitation which it was calculated to produce here. He then moved to amend the amendment, by striking out "or such as may hereafter be directed by either House of Congress."

Mr. ELLSWORTH thought this proposition was unacceptable. It seemed to contemplate that whenever a proposition for any appropriation for any particular work is made, the subject is to undergo a discussion in this House; and members are to be called on to decide, with the superficial knowledge they must be supposed to possess, on the preference of making a survey for a route here, over that for a route there. He hoped, therefore, that the amendment would not prevail.

Mr. TREZVANT made some remarks against the commitment of a discretion to the departments as to the direction of any surveys. He wished to confine the appropriation to such surveys as have been commenced, and that the House should afterwards decide on the propriety of new ones. He argued at some length in explanation of his views, and hoped the amendment of the gentleman from South Carolina would not be adopted.

Mr. TEST here called for the previous question, but the call was not seconded.

Mr. MARTIN explained his own views, so as to remove a misconception which he thought seemed to prevail as to his course.

Mr. HALL opposed the whole system, the amendment, as well as the bill itself. If he took the amendment of Mr. MARTIN, the remainder of Mr. WICKLIFFE's amendment would contain enough to involve all his principles. He could vote for none of the questions proposed.

Mr. MERCER suggested that many surveys had been ordered by Congress, which have not yet been commenced, and the effect of the amendment would be to relieve the Executive of all responsibility whatever.

Mr. TREZVANT said a few words in explanation. Mr. TUCKER moved to strike out the enacting words, and called for the yeas and nays, which were ordered.

At the suggestion of Mr. McDUFFIE, Mr. TUCKER withdrew his motion to amend.

The amendment moved by Mr. MARTIN to the amendment was then negatived.

Mr. P. P. BARBOUR suggested a modification of the amendment so as to strike out the words "either House of," so as to read—shall be directed by Congress.

Mr. WICKLIFFE declined to accept the modification.

Mr. P. P. BARBOUR then moved his proposition as an amendment.

Mr. DRAYON stated that his opinion had always been that the act of 1824, authorizing this expenditure for surveys, was unconstitutional. He consequently was opposed to all appropriations for these objects; but he was in favor of the amendment for reasons he stated—the chief of which was, that it would tend to prevent abuses in the execution of the act, and contending that works beginning and ending in the same State could not be deemed national, but many such under the present system had been undertaken.

Mr. P. P. BARBOUR enforced the propriety of the amendment he had offered. The vote of this House is the vote of the representatives of the people, while that of the Senate is the vote of the representatives of the States; and he wished to unite both. He declared himself utterly opposed to the whole system, and every scheme, survey, and appropriation under it.

Mr. MERCER advocated the power of the Government to make these surveys, and the practice which had prevailed under that power, denying peremptorily that it had led to any abuses, although the allegation was so often repeated, and arguing that a work commencing and ending in a State might be, and often was, strictly national; many cases of which he cited: amongst others, he maintained that if a line of canals from Maine to Georgia was a national work, any part of that line, however small, is national. The whole work cannot be completed at once; it must be constructed in detail, and in parts. The Buffalo and New Orleans road he considered as national, whether it was cut up in decimal parts, or viewed as a whole. He said he had carefully investigated the practice of the department, and he believed it to be free from abuse. Even in a case which he had four years ago considered the most doubtful, he had subsequently satisfied himself that there was no ground for doubt. To objections on the score of local interests being too influential, he replied that in time of war it was as important a power which regulated the direction of an army, as that which gives the direction of a road. The western part of the State of New York had entirely sprung up under the fostering influence of the late war, as millions had been expended there in consequence of the march of troops there. Yet no one contended that, in that case, the Government should be controlled, lest the local interests of one section should be preferred to those of another.

Mr. AMBROSE SPENCER stated that the question as to the power of the Government to make these surveys was settled by the act of 1824, and that it was useless now to make it a subject of discussion. He was opposed to imposing upon the present administration a limitation which had not been imposed on their predecessors. He declared himself adverse to the amendment to the amendment, as well as to the amendment. He expressed his concurrence in the views which had fallen from the last speaker, and controverted the idea that works confined entirely to particular States were necessarily not national, cases of which he cited.

Mr. IRWIN, of Pennsylvania, expressed his hope that both the amendment of the gentleman from Kentucky, and that of the gentleman from Virginia, would be rejected.

Mr. MALLARY contended that it was due to the President, who is at the head of the military force, to give to him an entire command over those works which are connected with the military defence of the country. He could, in the exercise of that power, lead to more full and more satisfactory results than we can ever be brought to by listening to the contending claims of conflicting interests in the House. There was no reason for imposing this limitation on the present Executive.

Mr. BARRINGER said, the adoption of the amendment could only lead to a multiplication of surveys; and he argued briefly to show the inexpediency of the amendments. Deeming it useless, however, to consume more time in debate, he demanded the previous question—yeas, 66. The number was insufficient.

Mr. TUCKER asked for the yeas and nays on the amendment of Mr. BARBOUR, but they were refused.

The amendment to the amendment was then negatived: yeas, 72—nays, 96.

The question was then taken on the amendment of Mr. WICKLIFFE, and decided in the negative: yeas, 75—nays, 111.

So the amendment was rejected.

Mr. WILLIAMS asked for the yeas and nays on the third reading of the bill, which were ordered, and were as follows: yeas, 121—nays, 64.

FORTIFICATIONS, BARRACKS, &c.

The House then went into Committee of the Whole. Mr. WICKLIFFE in the chair, on the bill making appropriations for expenditures in the Engineer, Ordnance, and Quartermaster's Departments.

Mr. DRAYTON moved to insert an appropriation of forty-seven thousand dollars, for the completion of the military road in the State of Maine; which motion was explained by Mr. D., and was agreed to.

On motion of Mr. DRAYTON, also, (made as well as the preceding by direction of the Military Committee,) an appropriation of ten thousand two hundred dollars was inserted, for the erection of barracks at Fortress Monroe.

Mr. VERPLANCK moved to strike out the appropriation of twenty thousand two hundred dollars, for the purchase of five and a half acres of land, adjoining the armory at Springfield, in Massachusetts, deeming the price extravagant.

The motion was opposed by Mr. DRAYTON and Mr. BATES, the latter of whom stated facts to show that the price was moderate, considering the general prices and value of land in that village; and the motion was negatived.

Mr. MARTIN made an ineffectual motion to strike out the appropriation of sixteen thousand dollars for a fire-proof armory at Springfield.

A motion was made by Mr. McDUFFIE to strike out an appropriation of five thousand dollars for an acre of land adjoining the armory at Harper's ferry, deeming the price an imposition, which he, for one, would not submit to. That he would rather, if the land was indispensable, resort to the power of the Government to have the land valued and condemned, but he would do without it sooner than submit to such an imposition.

Mr. DRAYTON explained, that the land had on it various wooden buildings, which rented for above three hundred dollars a year, were occupied as grog-shops, and were resorted to by negroes by day and night. These were the reasons which induced a majority of the Committee on Military Affairs to withdraw their original objection to the appropriation.

Mr. MERCER also opposed the motion, and stated, in addition, the value of property at Harper's ferry, from its peculiar situation, to show that the price was not extravagant.

The amendment was agreed to—yeas, 100.

Mr. DRAYTON then moved to insert a clause, making an appropriation of twelve hundred and fifty dollars for

the purchase of one-quarter of an acre of the land. The motion was negatived.

There was a discussion also on a motion by Mr. McCOY to strike out the appropriation for arming fortifications, which adds one hundred and fifty thousand dollars per annum to the usual sum of one hundred thousand dollars which is annually appropriated for that purpose.

Mr. DRAYTON explained the necessity for this appropriation.

Mr. MERCER also made some observations on the necessity for the adoption of the original item in the bill. He argued to show the necessity of accelerating the preparations for arming the fortifications now rapidly approaching to completion. It would be better to blow them up than leave them unarmed, to the possibility of their being seized by an enemy, armed, and turned against us.

Mr. BUCHANAN opposed the original motion, and supported the amendment, on the ground that it was an unusual mode of legislation to introduce a new and important appropriation into a bill embracing appropriations only for carrying into effect the settled policy and authorized objects of the Government; and that this rapid arming of our fortifications must render necessary an increase of our standing army.

After an explanation from Mr. DRAYTON, the amendment was agreed to: yeas, 58—nays, 36.

Mr. DRAYTON then moved to insert an appropriation of one hundred thousand dollars.

This motion was opposed by Mr. McCOY and Mr. BUCHANAN, and was supported by Mr. DRAYTON and Mr. MERCER, and was finally negatived: yeas, 63—nays, 67.

Mr. DRAYTON then moved to fill the blank with sixty thousand dollars; which motion was also negatived.

Mr. CROCKETT moved to strike out the item of appropriation for erecting workshops at West Point, two thousand five hundred dollars, which was rejected—yeas, 51.

Mr. SEVIER moved to amend the bill by adding an appropriation for a military road from Arkansas to Missouri; which motion was negatived.

Mr. McDUFFIE moved an amendment, appropriating six hundred dollars for a lithographic press, &c. for the use of the topographical bureau in the War Department; which was likewise negatived.

The committee then rose, and reported the bill and amendments.

THURSDAY, APRIL 1, 1830.

DISTRICT OF COLUMBIA.

The resolution for setting apart one day in each alternate week for the consideration of business concerning the District of Columbia, moved some days ago, was taken up for consideration.

Mr. POWERS, chairman of the Committee on the District of Columbia, rose, and rapidly sketched off the reforms wanted in the legislation of Congress for this District. He stated, in few words, the object of each of the bills which have been reported by the Committee on the District of Columbia, reviewing them in succession, viz. the bill providing for the appointment of commissioners to revise the laws generally; the bill for putting the penitentiary principle in operation in our criminal laws; the bill authorizing the election, by the people of the District, of a Delegate to Congress; and the bill for such reorganization of the courts of justice, as the committee think to be immediately necessary. All these seemed to him to be matters of pressing necessity, and such as Congress were bound to attend to at the present session. Under these circumstances, as this separate Government of this District, having no government but Congress, had not, so far, at this session, occupied one moment of the time of the House, the committee did not think it unreasonable that two days in each month should be devoted to the concerns of the District.

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Buffalo and New Orleans Road.

[H. of R.]

If the House should adjourn at the time now proposed, it would, under such a rule, have given but three days of its time to these important concerns. Three days, it was believed, would be sufficient, in this session, if properly used, for the transaction of all its important concerns. Unless some portion of the time of the House was thus set apart, it was doubtful whether a single measure, out of the important ones proposed, would be acted upon at all during the session. He concluded by expressing the hope that, under these views of the subject, the House would consent to the proposition.

Mr. PETTIS said, he was as well disposed towards the people of this District as any member in the House, but he was opposed to this partial legislation. One-twelfth part of the time of the House was asked, at this pressing part of the session, and to the exclusion of all other business, to act on bills introduced by the committee for the benefit of the District of Columbia alone. This Mr. P. could not consent to. He was [he said] somewhat peculiarly situated. For several years there had been no legislation here for Missouri at all; the business of that State had been overlooked, and he had hoped to get something done this session; but the manner in which the business of the House was performed weakened his hopes, and, if the proposition to give a twelfth of its time to District concerns prevailed, the chance would be still more diminished. We go on, [said Mr. P.] day after day, ploughing with the buffalo, to the neglect of all other business; and if the bills introduced by the gentleman [Mr. POWERS] were to have the preference he required, each of which would take much time, little else would be done. He moved to lay the resolution on the table, but withdrew his motion at the request of

Mr. INGERSOLL, who said he was formerly a member of the District Committee, and, when the affairs of that District were before the House, he could not keep his seat without attempting to show its condition, and the necessity of some legislation for it. This spot, [he said] over which Congress possessed exclusive legislation, had had no legislation for twenty-five years. There was no spot within the whole Union, within which legislation was so necessary as these ten miles square. The penal laws remained the same as they were thirty years ago, and the report which had just been read at the clerk's table, showed that, like the laws of Draco, they were written in blood. So crying was this neglect, and so great the necessity of reform, that four years ago Congress ordered the erection of a penitentiary, which had been completed at a cost of one hundred thousand dollars, but as yet it was useless—no law had been passed to give it effect. The Committee on the District had labored diligently to remedy this and the other evils under which the people labored, and they deserved the thanks of Congress, and of the country, for their assiduity. At the last session, he, as a member of that committee, had labored with his colleagues in maturing a system for ameliorating the penal laws here, but, though a bill was reported, they were never able to get it up. Mr. I. dwelt on the anomalous and cruel nature of the laws which prevail in the District—remaining destitute of those improvements which have been made in those of the States around, because there has been no legislation for the District. They are just as they were thirty years ago at the time of the cession. One fact he cited as an instance: Kidnapping is not an offence in the District; stealing a slave is, under the old law; but stealing a free man is not punishable. He also referred to the evils of the slave trade as carried on through the District. A bill was once reported to abate this evil, but Congress could never be got to take it up. He hoped the time asked for the affairs of the District would be granted, and this mass of corruption be swept off.

Mr. PETTIS then renewed his motion to lay the resolution on the table.

Mr. INGERSOLL demanded the yeas and nays. They were taken accordingly, and were, yeas, 47—nays, 120.

Here the hour elapsed, and Mr. MALLARY moved to suspend the rule, but the House refused.

The House then went into Committee of the Whole, Mr. HAYNES in the chair, and took up the bill for the construction of the

BUFFALO AND NEW ORLEANS ROAD.

Mr. COKE, of Virginia, delivered his views in opposition to the bill.

Mr. IRWIN, of Pennsylvania, said, that the remarks which had been made by several gentlemen who had taken part in the debate, had induced him to depart from a resolution he had formed, of merely giving a silent vote in favor of the bill. But [said Mr. I.] as I am not willing that any portion of the people of my native State shall remain under the imputation of being influenced solely by local considerations, regardless of principle and the true interests of the country, in the support which they or their representatives give to the bill, I will ask the indulgence of the committee while I submit some of the views which have been impressed on my mind in relation to it. The constitutional question, which has been so frequently discussed in this House on former occasions, it is not my intention to notice. I consider it deliberately established by successive acts of legislation for a series of years, and by public opinion, by which I do not wish to be understood to mean the opinion of a single congressional district, nor of a State, but that great and abiding opinion of a majority of the people of most of the States of the Union, repeatedly expressed after long deliberation, resulting in a settled conviction that the constitution has given to Congress full and complete control over the subject, limited only by their discretion, in legislating for the public welfare. Here it should be suffered to rest, for the mind of man cannot give it any additional light. It has been said, sir, that, at a former session of Congress, it was only designed to make a national road from this city to New Orleans, but that the friends of the measure, despairing of being able to pass the bill in that shape, determined to enlist other interests, and that the sectional feelings of the people of the interior of Pennsylvania could be brought into action, by extending the road through that State to Buffalo. It was not left merely to inference, but it was broadly asserted that the approbation of the people of Pennsylvania to the measure could be obtained in no other way, and that the national interests would be the least part of their concern. The assertion is unfounded; I trust I may be excused for saying that no part of this Union is less affected by sectional considerations, more patriotic, or more truly devoted to the welfare of their country, than are the people of Pennsylvania. They were among the first to maintain the true doctrine of our republican institutions; they cherish them as the means of individual happiness and national prosperity, and they will struggle long before they will suffer them to be impaired by refined and narrow constructions. The power to make roads and canals for national purposes, they have asserted to belong to this Government in their assemblies to discuss the question, by legislative enactments, and by the votes of their representatives on this floor. For no selfish purpose, sir, but because they believed, and still believe, that the prosperity of the country, if not its very existence, depends upon the exercise of this power. That State has never asked from Congress any thing for works of internal improvement, although she was the first to embark extensively in them; she relied on her own resources, and has expended more money on roads, bridges, and canals, than any other State in this Union. When it is recollected that she has been second only to another State in her contributions to the national revenue; that she has asked for nothing, and got nothing, for works of a

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local character; when she has pressed upon this Government the necessity of appropriating money for internal improvements of national importance, there will be no room to conclude that her people are influenced by sectional considerations. No, her support to these measures has a nobler origin; deeply impressed with the importance of this Union to their safety and happiness, and believing that its preservation depends mainly upon its facilities for internal commerce, they will always be found in favor of any means by which objects so desirable can be best accomplished. Yet I claim for them no virtue that is not common to their fellow-citizens of other States: for I must believe that the account which some of the gentlemen have given of the means by which certain people have been brought to advocate the bill before us, is drawn from the imagination. True, you find in every community a few who are lost to all sense of public virtue, and whose sordid passions prepare them for corrupt practices. But that any considerable portion of the people, whose districts, as has been said, have no sooner presented to them the golden bait, than they abandon fixed principles, and adopt new doctrines, and that these feelings are communicated to their representatives on this floor, who are moved and governed by them, is what I am not willing to credit. Such suggestions, made in this body, with no better foundation for them than exists, lead to the most injurious consequences. If opinions on constitutional questions are to be bought; if men have become so flexible as to be swayed only by motives which address themselves to their private interests, what security is there for the continuance of our republican institutions? Our whole political edifice rests upon the virtue and intelligence of the people; and, if it be once admitted that all questions of constitutional power may be settled by an appeal to the base and sordid passions of our nature, we shall find, like the foolish man, that we have built our house in the sand, and that in some party tempest it will fall to pieces. But these pictures of supposed changes of opinion have been drawn from the fancy. The great mass of the people; whose interests were to be effected by internal improvements, could not have been informed of any constitutional impediments; and, if they searched to satisfy themselves, they did not find any. In no condition of life are men prone to trouble themselves about matters which do not immediately affect them, particularly such as require labor to understand. But a spirit of enterprise begets a disposition to inquire, and that generally results in the expression of opinions which many mistake for new doctrines in opposition to those which were supposed to prevail. This is the most rational solution for the continued increase of the friends of internal improvement, without imputing to any portion of our people dereliction of principle. To show that the conferring of benefits cannot, in the least, influence members on this floor, when opposed to constitutional scruples or views of expediency, we have the declarations of several gentlemen from Virginia who have taken part in this debate in opposition to the bill. They have said that, if the road were to pass through their farms, they would oppose it; nay, one of them has gone so far as to say, while he complained of the unequal distribution of the public revenues which the system of internal improvement gave rise to, that the rights of his State were violated by an appropriation of money to a company which that State had incorporated for making the Dismal Swamp canal. Can we want stronger evidence of a disinterested spirit which would reject the paternal hand of the Government, which was extended only to confer among its people its benefits and its bounties? If so, there are kindred feelings, I am told, further south, and that at this session we shall have full proof of it. But it is unnecessary to add more to contradict assertions unsupported by evidence.

After listening to the arguments of the gentleman from

Virginia, [Mr. BARBOUR] who opened the debate in opposition to the bill, I was forcibly struck with the contrast which they presented to the sound doctrines of the old Virginia school. The Washingtons, the Jeffersons, and the Madisons—the fathers of the republic: While their lessons of political wisdom took deep and permanent root in Pennsylvania, and in most of the States of this Union, they have been fated to be despised and rejected by the modern politicians of the ancient dominion. As early as 1790, President Washington, in fulfilling the constitutional injunction to recommend to Congress such measures as he should judge necessary and expedient, says, “that the safety and interest of the people require that they should promote such manufactures as tend to render them independent of others for essential, particularly military supplies,” and “of giving effectual encouragement as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home; and of facilitating the intercourse between distant parts of our country.” Mr. Jefferson, in an unpublished letter to a near relative of my friend and colleague, [Mr. LEPPER], dated in January, 1809, says that he “had lately inculcated the encouragement of manufactures, to the extent of our own consumption at least, on all articles of which we raise the raw material;” that “its enemies say that the iron which we make must not be wrought here into ploughs, axes, hoes, &c. in order that the ship owner may have the profit of carrying it to Europe, and bringing it back in a manufactured form; as if, after manufacturing our own raw materials for our own use, there should not be a surplus produce sufficient to employ a due proportion of navigation in carrying it to market, and exchanging it for those articles of which we have not the raw material.” In 1815, the same gentleman, in substance, repeats the same opinions. Sir, I hope to be pardoned for noticing a subject in this debate which does not legitimately belong to it; but the example was shown by several of the gentlemen who have spoken on the other side. In truth, the enemies of the protecting system in this House have, on several occasions, however unwarranted by the subject in discussion, indulged themselves in no measured language in denouncing the existing tariff. There seems to be a morbid sensibility in the minds of members from the South, on this question, which, at least in my hearing, has hitherto prevented a dispassionate examination of it. Fortunately for its friends, experience has proved that a wiser act was never passed. Our latest advices from abroad have informed us that in every part of Europe active measures are in operation for the protection of their domestic industry. Had we done nothing, therefore, to countervail foreign commercial regulations, our condition would have been worse than colonial vassalage. Gentlemen, in depicting the effects of the tariff policy, have been misled by imaginary evils, for the sake of maintaining favorite theories; we know enough of human nature to be convinced that the pride of opinion, like the pride of authorship, is often the ruling passion, and that, rather than abandon dogmas which men have cherished and maintained from youth to age, they would see the fairest portions of our land visited with decay, ruin, and desolation. To what extravagant lengths have their metaphysical refinements upon constitutional power arrived? They say that we are not authorized to provide for the safety of our navy and mercantile marine, in entering our harbors, by the erection of light-houses, beacons, piers, &c., nor to build safe and commodious harbors for them; that we have no power to promote education, literature, and science, by the appropriation of public money; that we cannot apply the public funds to relieve individual calamity; that we cannot protect our domestic manufactures by impost duties; and, finally, that we have no authority to expend any part of the national treasure in making roads and canals, nor even a right to aid, by appropriations, compa-

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nies incorporated by a State! Of what value would our Government be to us, stripped of these powers? I am free to declare that it would not answer the great purposes for which it was instituted, that it would be unworthy the affections of the American people, and that the sooner it was dissolved the better.

Permit me, now, to turn the attention of the committee to a better commentary upon the power of this Government to construct roads for national purposes, than all the refined arguments we have heard from the other side. It has not been, I believe, before noticed since the session it was introduced into Congress. It must be taken, considering the source from which it emanated, as conclusive on the constitutional question. In February, 1796, Mr. Madison introduced a resolution in the House of Representatives for the appointment of a committee to report a bill authorizing the President of the United States to cause to be examined, and, where necessary, to be surveyed, the general route most proper for the transportation of the mail between Maine and Georgia, with an estimate of the expense of making said road. On the third of May of the same year, Mr. Madison presented the following bill, which afterwards passed the House without a division:

"Be it enacted, &c. That the President of the United States be, and he is hereby, authorized to cause to be examined, and, where necessary, to be surveyed, the routes most proper for the transportation of the mail between the following places, to wit: Portland, in Maine; Boston, New York, Philadelphia, Wilmington, Baltimore, City of Washington, Alexandria, Fredericksburg, Richmond, Raleigh, Louisville, and Savannah, in Georgia; and that he cause a report of such examination and survey to be laid before Congress, together with an estimate of the expense necessary for rendering said routes the established routes for the transportation of the mail."

The second section appropriates five thousand dollars for defraying the expenses of the examinations and surveys.

It will be seen, sir, that this bill not only provides for surveying the route of a road from one extreme of the then Union to the other, passing through all its principal cities and towns, but it requires an estimate of the expense to be made for rendering the routes mentioned the established routes for the transportation of the mail. It contemplates, in clear language, the construction or making of post roads under the authority of Congress. Let me now ask whether the warmest advocate for internal improvement ever insisted on a greater latitude of constructive power of the constitution than is contained in the principle of this bill. It not only goes the full length of all that we now contend for, but it sustains every position which has been disputed in this House heretofore. It authorizes surveys and the making of roads, and it assumes jurisdiction without the consent of the States. When we consider that this extensive project was introduced but a short time after the adoption of the constitution, and by a man who was chiefly instrumental in its creation, who labored to defend it with as much zeal and ability as any who lived, that it was adopted by a body, without a division, who probably better understood the extent of the powers intended to be granted than any which has succeeded it, will it be believed that it contained an assumption of powers not granted, and that it violated the rights of the States? It has been reserved for politicians of the present day to make this discovery—men, whose ingenuity and eloquence we may admire, but whose nice and subtle distinctions, mystifications, and abstractions, cannot be easily understood by those who pretend to nothing more than plain common sense. For us, who desire nothing more than that the resources of our country shall be developed and brought into full activity, we are content to follow the path which the statesmen of the revolution have sketched, convinced that, by steadily pursuing it, we shall best attain the objects of the social compact.

The gentleman from Virginia [Mr. BARBOUR] says that the bill under consideration contains a new principle, not known before in this House, and that we are about to take "a new latitude and departure." He considered the Cumberland road as affording no precedent, because it was the result of an agreement between the States of which the Northwestern Territory was composed, and this Government, by which two per cent. arising from the sales of the public lands was to be employed in making roads leading to and through those States. Yet it will be recollected that the gentleman distinctly admitted a position taken by my friend and colleague, [Mr. HEMPHILL] that the consent of the States was not to be regarded, as they could not confer any power on Congress, except in the cases mentioned in the constitution, and that every other compact between them was a nullity. With this admission, I cannot understand how he can attach any importance to the agreement respecting the Cumberland road. By his own showing, it is evident that this Government did not derive its right from that source. How, then, does this bill differ from the bill authorizing the construction of the Cumberland road? and how does it differ from Mr. Madison's bill? But the gentleman, while he professes to be fully aware of the value of good roads and canals, contends not only that the power to make them does not belong to this Government, but that it ought not to belong to it—that they had better be left to the enterprise of individuals or to the States. The gentleman will find but few to go with him on that broad ground, even in his own State. It will be recollected that when the attention of Congress was called to this subject by Mr. Monroe and others, while they admitted that the right already existed to appropriate money in aid of incorporated companies, denied that it extended further; but as it was deemed of essential importance to the welfare of the people that roads and canals should be constructed under the authority of this Government, they strongly recommended an amendment of the constitution, so that it should be expressly granted.

It was apparent that great national works, extending to remote parts of this Union, could not be executed by companies or by States, even if their resources were adequate to them; that rival interests existed every where, each State exerting itself to divert commerce to its own commercial emporium, or to some other point least advantageous to its neighbor State. And even in case of the union of two or more States for this purpose, the common good of the whole Union would be the least object of their thoughts; nay, routes might be chosen positively injurious to the whole. It might happen, too, that distant streams and States could be united by roads and canals, by which, from peculiar localities, the greater part of each State through which they were designed to pass, would not feel interested, rather looking upon injury than benefit as the result, while to the nation at large the connexion would be of the highest importance. For these and other reasons which might be mentioned, no opinion appeared to be better founded than Mr. Monroe's, that the power to make roads and canals, with jurisdiction over them, should reside in the Government. But the gentleman from Virginia has come to a different conclusion, and seems alarmed at the consequences of encroaching upon State rights, and the accumulation of power in the General Government. To me, [said Mr. I.] this feverish excitement about State rights and Executive patronage seems altogether chimerical. Look into the papers published, and to the speeches made in certain conventions before the adoption of the constitution, and you will find the same evil forebodings, and the same alarming apprehensions. And yet we have gone on prosperously in peace, and successfully in war, for more than forty years, without one of those being impaired. How, indeed, could it be otherwise, when every member of this Government, except such as compose the judiciary, returns at short

intervals to his respective State? The members of Congress, in which reside all the high powers of sovereignty, bring with them here—State attachments and State pride; they act under a sense of high responsibility to their constituents and to their State; they remain here but for a few months, return, and mix with their fellow-citizens; with them every motive conspires to urge them to resist, not to suffer, an invasion of State rights. Usage and public opinion has limited the term of the Executive to eight years, at the expiration of which he returns to his State. Your judges are scattered over the Union, citizens of their respective States. All of them, presidents, legislators, and judges, have their families, friends, endearments, and attachments in their respective States—their homes—where they find their earthly resting places. Gentlemen talk of our National and State Governments, as if the former were a distinct people, to whom certain powers were conceded, but, not content with their enjoyment, are constantly aiming to enlarge them at the expense of the rights of the latter. But view them as the same people, a portion of whom at stated periods exercise certain delegated trusts which a common feeling of interest urges them to restrict rather than enlarge, and the suggestion will cease to have any force. Equally illusory are the fears of Executive patronage, which the gentleman from Virginia so strongly deprecated. It is common to speak of this; but I ask for proof of its having been exerted under any administration, and, if exerted, with what effect? Do your officers of the army and navy interfere in elections? or have you seen the judges of your courts canvassing for votes to subserve the purposes of the Executive? The most powerful motives that could animate the human heart, existed to sustain the administrations of the elder and younger Adams; but with what effect? What did patronage do in these cases? Sir, it is a mere phantom, which has no terrors for a free and vigilant people. Take one of the eight thousand postmasters that the gentleman from Virginia has spoken of, and see what influence he is able to exercise in any city or town. It will be found, in most instances, that the person so situated can effect less, at any election, than if he had not an office. There is a watchful jealousy among the people, which repels any undue or even active exertions of men in official stations to control or sway the elections. We have nothing to fear from them. As to the unequal distribution of the revenue, which, it is said, the system of internal improvement gives rise to, I answer, that the same may be said of every other branch of public expenditure: fortifications are erected on our coasts and frontiers most exposed to attacks; light-houses, breakwaters, &c. on the sea coast. These, and many other works, do not immediately benefit the interior; but in these and all other erections and improvements, regard is had to the general welfare. Whatever gives life and vigor to the whole system, must be beneficial to its parts; in like manner, the healthful action of the heart communicates its tone to the extremities. We have been told, too, that, by the reduction of duties upon tea and coffee, and certain luxuries of life which do not interfere with our domestic industry, as is proposed by a bill on our table, the revenue will be so much reduced as to leave no surplus beyond the ordinary demands of the Government. But it should be considered that the bills alluded to are prospective in their operation; and even if it were otherwise, I do not apprehend any very great diminution from the proposed measures. The great increase of population must create a proportionate demand. In aid of this, there is a law of political economy which is universally true, that the capacity to buy, from the comparative cheapness of the commodity, increases its consumption; in other words, the reduction of a duty will, in a corresponding ratio, increase the demand. After paying all the ordinary expenses of Government for the current year, and applying eleven million five hundred

thousand dollars to the public debt, the Secretary of the Treasury estimates that there will be a balance in the treasury on the first day of January, 1831, of four million four hundred and ninety-four thousand five hundred and forty-five dollars. It is, therefore, apparent that two millions of dollars may, with perfect safety, be applied annually to internal improvements, leaving enough from all the sources of revenue, and the operation of the sinking fund, to extinguish the debt in five years. My constituents have no immediate interest in the road mentioned in the bill; from the nearest part of my district it is at least one hundred and eighty miles. But I advocate it because it is part of a great system which I consider this Government under the most solemn obligations bound to persevere in. The road, from this city to New Orleans, is not a new project; it was earnestly brought into view by Mr. Calhoun in 1818, in support of a bill which he introduced into Congress, to set apart, and pledge as a fund for internal improvement, the bonus and United States' share of the dividends of the National Bank. In a report which the same gentleman made while Secretary of War, it is noticed as one of the prominent national objects, and it has never since been lost sight of by the Committees on Internal Improvements of this House. By cherishing a spirit of concession, and merging all minor considerations in the great one of making a beginning upon the principle contained in the bill, its friends cannot fail to effect its passage. When we reflect upon the amazing extent of our country, the diversity of interests and occupations of its inhabitants, and examine the barriers which its geographical features present to direct and easy intercourse, we must come to the conclusion that it is impossible to bind the different parts together in any other manner than by good roads and canals extending from the centre to the extremities of the Union. By these means we shall be able to preserve the sympathies of our nature, which distance is too apt to sunder.

But we will realize their advantages chiefly during war, when the Government is compelled to rely for most of its revenue upon a system of internal taxation, its ordinary fiscal resources being in a great measure cut off. The effect of this system is to drain the interior of the country of its currency, and to direct it to the seaboard, or to places where troops are collected for the defence of exposed situations on the frontiers. It will be recollected that no part of the interior of the United States was, during the late war, exempted from this evil; it operated peculiarly hard in the western part of Pennsylvania; specie in fact disappeared, and a miserable paper currency was substituted for it, flooding the country, and, with its natural tendency for depreciation, ruining thousands of the best part of our population—the farmers, the honest yeomanry of the country, who, in such a state of things, are always the greatest sufferers. It is the part of prudence to guard, as far as practicable, against a recurrence of so much suffering and calamity. We cannot, it is true, prevent the drain of our currency, that is the inevitable effect of direct taxation; but we can, in a great degree, mitigate its effects, by giving to our people cheap and easy means of transporting their produce and stock to market; to that market where troops may be assembled, and where there is the greatest public expenditure. If you deny them these means, you expose them to incalculable injuries, it will be impossible to satisfy the tax gatherer; judgments and executions will speedily follow; but all are nearly in the same situation; and where are the purchasers to be found? The earnings of years of honest industry will be swept off in a moment, for a sum sometimes insufficient to pay the cost of collection—always vastly disproportioned to the value of the property, either to enrich the cunning speculator, or to add to the already overgrown wealth of some nabob, or to increase the public lands and stock to remain unproductive, until better times

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shall enable them to sell for sums equal to their claims. A Government expressly instituted to promote the happiness and welfare of all its citizens, should provide in a time of peace, when its resources are abundant, against such ruinous consequences. In this way it will best secure the lasting attachment of the people.

The gentleman from Virginia, [Mr. COKE] in speaking of the probable expense of the proposed road, said that the Cumberland road cost the Government fifteen thousand dollars per mile. He has fallen into an error. The whole distance of the road is one hundred and thirty-five miles; its aggregate cost one million seven hundred and two thousand three hundred and ninety-five dollars, which is equal to twelve thousand six hundred and ten dollars a mile. At a proper time, I will, I trust, be able to show to the House that no sum of money of equal amount has ever been expended with greater advantage to the country. But it is proper to say that at the time this road was commenced, this Government had no experience in the business, few possessed the requisite skill for it; then, and for many years afterwards, provisions were dear, and the wages of labor near one hundred per cent. beyond its present amount. What added greatly to the cost of this road, is the number of bridges, some of which are built in a style of superior and expensive workmanship, exhibiting monuments of architectural skill not surpassed in any part of the Union. The continuation of the Cumberland road from Wheeling to Zanesville, which is made upon the McAdam plan, and is said to be the best road in the United States, cost, I am informed, about six thousand dollars a mile. But the expenditure upon works of this nature is of secondary consequence. If a harbor is found necessary for the safety and convenience of our shipping, if a fortification is wanting for our defence, the expense of constructing them would not be regarded. There is a paramount duty which the Government owes to its citizens, compared to which, gold and silver should weigh but as dust in the balance. They claim from it protection at any price; and they ask the same measure of justice, I will not call it liberality, in making such improvements as the situation of the country admits of and requires, which State and individual enterprise is unequal to, and which are strictly of a national character.

The perseverance in this system of internal improvements, it has been said, will give rise to a claim of jurisdiction by the United States over the roads they make, which will end in the erection of toll-gates, and the enforcing of penalties not by State authority. Claiming, as I do, for this Government, the right to make roads and canals without the consent of the States, it must follow that, after they are constructed, it has a complete right to preserve them by such means as it chooses to select. If I am right in assuming, for I have already said that I do not mean to argue it, that the constitution has given to Congress the principal power, the incident must follow; nor is it at all probable that any injurious consequences are likely to arise from the exercise of it. The authority to establish post offices and post roads impliedly confers the right to protect the transportation of the mail by the imposing of penalties. For this purpose, various laws have been passed, and punishments have been inflicted, without any complaint from a State, and, as I trust, without injury to it. Nor would any greater evil happen by punishing a man in the United States' courts for an injury done to the road. Offences of this kind would be of rare occurrence: when it was known that the presence of vigilant gatekeepers would probably prevent escape, and that speedy punishment would inevitably follow, little mischief would be done. There is scarcely an instance of an indictment in our State courts for injuries done to roads belonging to corporations, and the reason that prevents their occurrence would apply to a road laid out under the authority of the United States. Besides, there could be no valid

objection to conferring jurisdiction on the State courts to punish transgressors. Congress gave them power to entertain suits, to collect the internal revenue, and to enforce penalties under a clause in the constitution, declaring it the supreme law of the land, and that the judges of the State courts should be bound thereby. This power, I admit, was by some of the States disputed; but surely it would be going too far to say that evils were likely to arise from the exercise of it. And if there should be a disposition in any State to refuse the jurisdiction, offenders would have no right to complain if they were sent to the United States' courts for trial. Seldom, indeed, would there be occasion for such a proceeding; but if a case should arise, demanding it, is it likely the criminal would talk of its hardship? And, if not, who would be quixotic enough to complain for him? The jurisdiction of the United States over their roads, whether they should exert it by direct appropriations to keep them in repair, or by the erection of toll-gates, cannot be a cause of the least apprehension to the States, no more than they now feel from the punishment of a mail robber. It is impossible that injury can arise from it.

The gentlemen from Virginia who have spoken on the other side of the question, have indulged themselves in a warmth of feeling and an asperity of remark not warranted, in my judgment, by the occasion. If the purposes of the bill should be answered, or if the system, of which it is part, should be pursued, the design is of the most laudable character, and entitled to no common praise; the end, the development of national resources, the promotion of social intercourse, the diffusion of substantial benefits—in a word, the prosperity of the confederacy. Yet it has been received as if some signal calamity was about to be inflicted, carrying in its train famine and pestilence and desolation. Are they afraid that the march of the system will realize all we hope and all we predict for it; and that "their occupation will be gone?" If, sir, I mistake not the "signs of the times," a great revolution is going on in public opinion, in the South, on this question; and the day is not very remote, when Virginia will concede to this Government all that the most sanguine friends of internal improvement could desire. One of her distinguished statesmen, now a member of this House, has for years devoted his time and talents to the cause. Every day furnishes new evidence that his patriotic fellow-citizens are yielding the prejudices that would lock up the bounties which a beneficent Providence has so profusely scattered over our land. He merits the lasting gratitude of his countrymen, the richest reward of a public benefactor.

The productions of our country, which soil and climate have already made so various, are becoming daily more diversified, ensuring, at no distant day, a home supply of most of the luxuries as well as the necessities of life. An important advantage which this view of our condition and prospects gives rise to, is, that the different parts of our Union will be made dependant on each other—an invariable effect of mutual wants. Nothing, therefore, demands from us higher regard or more deliberate consideration, than the means of uniting our whole people into one great commercial family.

But it is unnecessary to dwell longer upon the beneficial consequences of an extended system of internal improvements; they must be familiar to the members of this committee. I have endeavored to avoid noticing the points which have been urged by others in support of the bill; and having reason to fear that the committee is already fatigued by a long discussion, I will conclude with thanking them for their attention.

Mr. MONELL next rose. He said he had waited until this late period of the debate on the bill, in the hope and expectation that some one of his colleagues, more competent than himself, would give to the committee the views which he knew a large majority of the delegation of New

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York, in unison with himself, entertained upon this question. No one [said Mr. M.] has felt disposed to do so; and as I cannot consent that the vote on this bill should be taken without the expression of an opinion from the State I have the honor, in part, to represent, I have, reluctantly, obtruded myself upon the attention of the committee.

As I am the warm friend of internal improvement by the States, and have, at all times, and on all occasions, whether in public or private life, supported every measure which I believed would benefit the citizens of my native State, it is necessary that I should give the reasons that will influence my vote on the present bill. Sir, the State of New York, unaided by the General Government, has advanced far in this system. She has connected her northern and western lakes with the majestic Hudson, and I trust will continue to progress until she extends its blessings to every portion of her citizens. Although she has advanced far, and elevated her character to a prominent station among her sister States, she has not done half that the wants of her citizens require, or the means she possesses will authorize. My immediate constituents are now anxiously looking to their legislature for that justice they believe themselves entitled to—an improvement along their lovely valley, which will place them on the level with other portions of the State. I trust they will not be disappointed.

Soon after this nation passed through a second war of independence with honor and renown, the State of New York, suffering as she had in that contest in blood and treasure, and believing herself entitled to the favorable notice of Congress, from the aid and support she had given to strengthen the arm of the General Government, applied for aid to enable her to prosecute the great works of internal improvement she had long conceived, but which were retarded by the breaking out and continuing of that war. What was she told by this Government? Although her good and faithful service was admitted, her losses and privations appreciated, yet it was unconstitutional to aid in the construction of roads and canals. She submitted to the decision; and, nothing daunted, rested upon her own resources to accomplish that which her citizens had willed should be accomplished. For one, I rejoice that she is not indebted to this Government for aid. By your refusal, the resources of the State have been developed; the patriotism of the people exhibited; the sound hearts and willing hands of her citizens enlisted to elevate her character, and place her upon an eminence that her extensive possessions and fertile soil intended she should assume.

What was unconstitutional when New York applied for aid, has, by the change of time and of men, become constitutional now. By the construction given to the constitution by modern statesmen, all power is vested in this Government. The doctrines contended for in former days are exploded, new ones have taken their place; and, under them, this Government is extending its influence over every part and portion of what was once considered independent State sovereignty: the rights of the States are merged in this grand consolidated Government. I will not enter into the discussion of the abstract constitutional right of this Government to make roads and canals in the several States, without the consent of the States or the people. It has been assumed and exercised so often, that, until some express provision to the contrary shall be made in the constitution, it is worse than useless to question the power. The advocates of the right do not claim it by express grant, but by implication and construction of different parts of that instrument. It is claimed under the power to provide for the common defence and general welfare; under the power to regulate commerce among the several States, and with the Indian tribes; under the power to establish post offices and post roads. I have always doubted whether this Government, under any or all of these powers, could exercise the right of making roads and canals.

On more occasions than one, have I listened to the arguments of the ablest men of the nation, on this much disputed, nice question of constitutional law. Although I will not discuss the question of abstract right, I may be permitted to deny the expediency of its exercise by this Government. The exercise of this, and all other constructive rights, claimed by this Government, should be narrowly watched by the representatives of the people. Our duty to our States and our constituents requires it at our hands; and yet it appears to me, that, when we assemble here as the Congress of the United States, we forget home—we forget State rights, and lose State feeling. Our whole thoughts are directed to the mighty power of this all absorbing and controlling Government, regardless of the feelings of our constituents, or interests of the States; we exercise not only all the powers given to us by express grant, but every other which, by implication or construction, can be tortured into a right. I beseech gentlemen to pause and reflect. If this Government does possess the power contended for by its advocates, let it be discretely exercised, and only on acknowledged great national objects.

Under the power to regulate commerce among the several States, and to lay imposts and duties, this Government assumed the right to compel the canal boats on the New York canals to pay transit duty. In 1824 or 1825, orders were issued by the Treasury Department to the collector at Buffalo, to enforce the collection of duties. I well remember the feeling created in New York; her citizens, from one end of the State to the other, were prepared to resist what was considered as an encroachment upon State rights; even her legislative halls resounded with the language of resistance, and a perseverance at that time, on the part of this Government, would have brought that State in direct collision with the General Government. Strong protests were entered by the representatives in Congress, from New York, against the assumed power, and great exertions were made by the Governor of the State to procure a withdrawal of the order. It was countermanded, but the right to enforce the collection of duties was not surrendered; it was suspended for the time being, to be enforced whenever the will of this Government shall direct. You have established your ports of entry in every part of her State—at Buffalo, Rochester, Sackett's Harbor, and I know not how many other places—upon every stream and rivulet—upon tide waters and inland lakes—in every city and town that you please to consider commercial; swarms of officers, to execute the laws and collect the revenue, are stationed among the people. Under the power to regulate commerce, and lay imposts and duties, you claim, and may, at some future day, enforce, the power to collect duties on every canal made by State authority; and what is to prevent you? The broad and unlimited construction of constitutional power claimed, will cover every act of oppression, and usurpation of State rights; thus gradually, but certainly, will every vestige of State rights and State interests be swallowed up by the constructive powers of the General Government. Under the power to lay imposts and duties, to regulate commerce, and to promote the general welfare, the whole revenue of State canals may be claimed. Now your treasury is full, and it is not needed; but let war exhaust it, let commerce be impaired, or, what is most probable, your funds squandered in visionary schemes of internal improvement, and the particular welfare of the States must surrender to the general welfare of this Government. The States must stand in the relation to the United States that individuals do to the States—bound to yield a portion of what they have for the general welfare. Sources of revenue, which they fondly hoped would support their own Governments, and enable them to extend the blessings of internal improvement by their own authority to every portion of their citizens, will be diverted from their proper channels, and

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poured into the treasury of this Government. Can New York, consistent with her honor or her interests, submit to such degradation? Is Pennsylvania, with her numerous canals, prepared to surrender all to this Government? I trust not. Sir, where is the remedy? I answer here, in this hall. We must halt in our course—we must confine this Government within its primeval legitimate bounds—we must restore it to the powers that were exercised under it in the days of Jefferson's administration.

It is contended that the power to construct roads and canals is given by the clause in the constitution authorizing Congress to establish post offices and post roads. Great pains have been taken to give us the definition of the word establish. Dictionaries have been consulted—Walker, Ainsworth, and others. It is defined to mean “to erect, to make,” &c. We have heard labored arguments to show us, because the meaning of the word establish is defined to be “to make,” that Congress has the power to make post roads. Sir, I will not say that these words may not be tortured into such construction, nor offer any argument on the constitutionality of the doctrine. Yet I must be permitted to doubt that any such power, under these words, was intended by the framers of the constitution to be given to Congress. The plain and obvious meaning of that clause is that which is yearly exercised by Congress—the establishment of post routes on roads erected and made by the people, and on which, for public convenience, it is thought necessary to transport the mail. In the remarks I have made, I have endeavored to show to the committee the inexpediency of Congress exercising all the powers which, by construction or implication, are claimed as belonging to this Government; and particularly as such exercise affects the rights and interests of the States. As a further illustration of my views, I will suppose my colleague, who resides at Buffalo, to offer to this House the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Buffalo to Albany, by the way of the Erie canal.”

It is referred to the committee, at the head of which is the honorable gentleman from Kentucky. Congress having the right to establish post offices and post roads, and waters navigable, or made navigable, being considered highways, the reasoning follows the premises, that Congress has the power to establish a mail route upon the Erie canal. It has been decided that the Hudson river is an arm of the sea, and jurisdiction has been so far extended over the waters of New York, as to establish ports of entry on the western lakes, the Erie canal connecting the tide waters of the Hudson with the waters of Lake Erie; it, therefore, becomes necessary that commerce should be carried on between the States. A law is passed, in obedience to the resolution; and a boat is started at Albany, on the tide waters, with the “United States’ mail,” in capitals, upon her stern. She approaches the first lock, and is hailed “what boat is that?” “The Congress of the United States.” “Who is her commander?” “General Welfare.” “What is the object of her voyage?” “Regulating commerce among the several States and with the Indian tribes, transporting the United States’ mail, and conveying troops to the northern lakes.” The collector would say, this canal is the property of the State of New York; it was made by the exertions of her own citizens without any foreign aid, and you cannot pass without the payment of toll. To which “General Welfare” would reply that Congress has power to regulate commerce and establish post offices and post roads; a post route has been established on this canal, and you will not presume to interrupt the United States’ mail. The people of New York look to the law for protection and decision of all disputed claims. On the return of “General Welfare,” he is arrested in our State courts. I will not trouble the com-

mittee with a long detail; the State courts decide in favor of the toll gatherer; it is carried up to the Supreme Court of the United States. I need not give you the decision. When did State decisions or State rights succeed in opposition to the laws of Congress, or the constructive powers of this Government? Let Kentucky, Ohio, New York, and other States answer.

I am opposed to the exercise by Congress of this disputed right on another ground: it is unequal and unjust in its operation. During the last year, disregarding fractions, there was received into your treasury twenty-four millions of dollars; for all the ordinary purposes of Government, twelve millions are sufficient; and, with proper economy, that sum need not be expended. You have then a surplus fund of twelve millions beyond the amount required for the expenses of Government, to be scrambled for in this hall, and expended, according to present doctrines, in internal improvement. You have two hundred and thirteen members from the States, and three delegates from territories; divide this amount into two hundred and thirteen districts, and you will give annually to each congressional district fifty-six thousand dollars. By this division, New York, with her thirty-four members, would be entitled annually to two millions of dollars. Pennsylvania, with her twenty-four members, to one million four hundred and forty-four thousand. Virginia, with her twenty-two members, to one million two hundred and thirty-two thousand. Will any course of legislation here give to these States a fair proportion of the surplus funds by way of internal improvement? Certainly not. This miserable pittance to New York, of a road from Buffalo to the State line of Pennsylvania, is but a sorry return for the four millions she pays annually into your treasury. As it is the first, so for many years it will be the last boon that will be offered for her two millions annual surplus in your treasury.

Give to New York, to be applied by her legislature, one-half of her just proportion of this surplus fund. Let it be placed in the treasury of her own State, and in ten years she will extend the blessings of her own system of improvement to every village and hamlet in her State, and gladden the hearts of her people; it will be expended in useful works, in national objects, and promote the general welfare of the people.

I come now to the question of the utility of this gigantic project of a grand land communication from Buffalo to New Orleans, and must say that, to my mind, it is the most extravagant and visionary one that ever was presented to the deliberate judgment of a representative assembly. It is to be made through the interior of the country, fifteen hundred miles in length, and from its commencement at Buffalo, the first seaboard, the first commercial place it touches is the city of Washington, a distance of some four hundred miles. Can many men believe that the trade from Buffalo, or any part of New York, will be diverted from the city of New York by this road? or will Pennsylvania or Maryland prefer Washington for a market to their own Philadelphia and Baltimore? Look to the improvements of New York, Pennsylvania, and Maryland, their railroads and canals, and the most visionary must be satisfied that this contemplated road cannot be used for commercial purposes. It is said, by its friends, that it will be useful in time of war to march troops to the frontiers. I trust we shall not need it for that purpose for many years to come; and if we should, New York desires troops from Washington to defend her frontier. No, sir, there is no beneficial purpose for which this road can be used; it will be a lasting monument of a nation's folly, and receive the worst curse which an Irishman can bestow upon his enemy—the grass will grow upon its surface. Again. What is to become of the road after it is made? Do you intend to place toll gates upon it? That power has not yet been assumed upon your Cumberland road. But suppose you should assume jurisdiction over State soil,

and scatter your toll gatherers over the States; what will you receive? Not one per cent. You cannot keep it in repair by tolls. What next? The Government must appropriate, annually, one million of dollars to repair it. By the bill fifteen hundred dollars per mile are appropriated; but no friend of it will pretend that is all that will be asked. Let the faith of the nation be pledged for its construction, and you will be required, annually, to appropriate money for its completion, until it will cost as many thousands as hundreds are now asked. Will the States, through which it passes, take it off your hands, and keep it in repair? No. The States know it will not yield revenue sufficient to do so. They will tell you it is your own sickly bantling, and your faith is pledged to support it.

It has been said out of this hall, that this is a part of the "American system;" and I have been urged, as a friend to that system, to support this bill. It is called the pioneer bill, in the train of which numerous others are to follow.

If by the "American system" is meant a system of laws which shall be for the benefit of the American people, and, as nearly as may be, operate equally and justly, then am I its friend and advocate; but if by the system is meant that I am bound to support every wild and visionary road project that the imaginations of gentlemen here or elsewhere may present to the consideration of Congress, I must be permitted to dissent, and enter my protest. As a member of the Committee on Manufactures, I cordially agree to the resolution submitted to the House, "that it was inexpedient at this time to revise the tariff law of 1828." I then believed, and now believe, that justice to the manufacturers and sound policy required the suppression of further legislation at this time. These are, however, articles which have become necessities of life from their common use, such as tea, coffee, silk, &c., which are not grown or manufactured in this country, or, if so, to a very limited extent, and not interfering with the domestic industry of the nation. By reducing the duties on the articles I have mentioned, you will relieve the people from several millions of indirect taxation, and retain in your treasury more than sufficient to meet the current expenses of the Government.

There are two situations in which Governments, like individuals, are frequently unjust: in adversity, with a heavy debt hanging over them, and in prosperity, suddenly and unexpectedly acquired; in the one case, pressed to discharge claims out of their power to meet; they prevaricate, and refuse justice when it is due; in the other, their funds are profusely squandered and their money lavished upon unimportant and useless objects. The latter is the present situation of this Government. You have an overflowing treasury, and you know not what to do with your surplus funds. Now, sir, as I am one of those who do not consider a national debt to be a national blessing, I propose to discharge your national debt—pay off every shilling—take up the last bond; it will be the brightest star in the galaxy of your renown. Exhibit to the world the bright example of a nation, not sixty years old, having passed through two expensive and lengthy wars, and free of debt. When that shall be accomplished, (and we are assured it will be in a few years,) our manufacturers will have acquired strength sufficient to compete with their foreign opponents, and will themselves unite in the propriety of a gradual but certain reduction of duties until the revenue shall only be equal to the necessities of the Government, and the people relieved from heavy burdens.

Mr. ANGEL said it was with great diffidence he rose to address the committee. It was his first attempt to speak upon that floor, and it was with much difficulty he had raised his courage to the speaking point. We have been several days [said Mr. A.] engaged in the discussion of this bill. I have listened with strict and painful attention to the arguments urged in favor of its passage. I have witnessed, with astonishment and with alarm, the ardent

zeal with which its friends are hurried forward. Reluctant as I have been to engage in this discussion, I could not sit here quietly, and in silence see the screws turned upon the people. I could not see burdens unjustly and unwarrantably imposed upon my constituents, without protesting against it.

I consider this system of legislation cruel, unjust, and oppressive. I consider it as fraught with the most dangerous tendency, and as leading to the most disastrous consequences. My feelings are such, that I cannot repress them when I see the fruits of honest industry about to be coined into dollars and cents, and squandered by a profigate hand upon projects which are useless and idle. I have prepared an amendment to this bill, which I intend to offer at a proper time, if the motion to strike out the first section does not prevail. If gentlemen are determined to force the bill through, right or wrong—if they are determined to plunder the treasury, and pursue a course of public rapine, I feel anxious that the State of New York should not participate in the disgrace. I believe this is the first attempt of this Government to force her system of road-making into that State. The small section of this road which is to be located within her limits, appears to be intended as an offer of earnest-money, to bind her to the unhallowed compact. I protest against the whole system, and particularly against this attempt to contaminate that State. Should this bill pass in its present shape, I should consider the intrusion into our territory as a bane to our prosperity, a poison to our happiness, and the destruction of our tranquility. As soon as an opportunity shall offer, I will move to amend the bill by striking out the words "Buffalo, in the State of New York," and inserting "the northern boundary of the State of Pennsylvania." This amendment would exclude New York from the bill and from its contamination. We ask not, nor do we need, your aid in the construction of our roads and canals. We desire you to confine yourself to your proper sphere of legislation, and not to interfere with the internal regulations of our State. We will willingly and cheerfully pay all the taxes and bear all the burdens which you may constitutionally impose upon us; we will not rebel—we will raise no insurrection—we will not threaten a dissolution of the Union; but when you oppress us by your unjust, unauthorized, and partial legislation, we will tell you of it. We will boldly and fearlessly protest against your encroachments, and we will not withhold our remonstrances when you extend the arm of oppression over us. We will tell you of our wrongs; as an independent State, we will assert our rights; and we will never hang about your halls of legislation, in the character of supplicants and beggars, watching for the crumbs that may fall from your table.

Following the example of gentlemen who have preceded me in opposition to this bill, I will refrain from discussing the constitutional power of this Government over the subject of internal improvement. The arguments upon that subject have been worn thread-bare; they have been again and again repeated; the subject has been exhausted in the hands of able men, and I feel myself incompetent to shed additional light upon the question. The omission to discuss the constitutional question in this debate appears to have been assumed by the friends of the bill as the giving of a *cognovit* to their claim of constitutional power. Sir, I wish those gentlemen expressly to understand me as not yielding my assent to their constitutional doctrines. I wish them to understand that I sign no *cognovit* to their unfounded claim, but that I insist that if this bill becomes a law, that law will be the offspring of usurped authority.

Gentlemen have said that Congress, by its enactments, has settled the constitutional power of the Government in relation to internal improvements. Can Congress confer a new power? Can Congress rule the constitution? That instrument was designed to control the powers of Con-

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gress. Can one act of usurpation be pleaded as authority to justify the commission of another? No. The constitution remains what it was in the beginning—it is the same now that it was at the time of its ratification by the States. It remains unaltered, nor can it be altered but by the consent of three-fourths of the States. For that instrument I entertain the highest veneration. I will not suffer myself to trample upon its authority. Each infraction of its provisions by Congress is a signal for the downfall of our liberties.

This bill is entitled “a bill for constructing a road from Buffalo, in the State of New York, by the way of Washington, to the city of New Orleans.” When I look into the provisions of this bill—when I see the stretch of authority there attempted—when I consider the profligate expenditure of money it proposes—when I reflect upon the burden it casts upon the people—when I view its partiality, its cruelty, its injustice, and its usurpation, and compare all with the constitutional powers of this Government, the title strikes me as being inappropriate. The title is wrong. It should be entitled “a bill to construct a road from the liberties of the country, by the way of Washington, to despotism.”

It is not a road which the interest of the country calls for; the public good does not require it. Gentlemen have said it was necessary for the safe and easy transportation of the mail, for the marching of troops, for commercial intercourse, for the advancement of national prosperity, and the promotion of the general welfare; but when you contrast its advantages with the principles upon which it is to be constructed, with the cost of its construction and perpetual repairs, it looks more like a road to ruin than a road to ease and safety. I have an abhorrence to this species of legislation that I cannot overcome; it has grown out of long reflection and a careful consideration of the subject. Its tendency is pernicious; it begets collision and strife; it produces heart-burning and ill blood between different States and sections of the Union. These effects do and will unavoidably attend it. If, in estimating the consequences, I have come to an erroneous conclusion, I have to regret it. The correctness of my conclusion appears to be supported by the sensitiveness manifested by gentlemen in this House whenever this subject is agitated. Do we not see the warmth of feeling and heat of temper it elicits? Its discussion calls up the image of discord, and exhibits an acrimony of feeling and temper, which spends itself in accusing invective and keen reply. It should be our business here to harmonize, and not to distract; we should avoid those subjects which set in motion the discordant feelings of sectional interests. It should be our aim to strengthen the cord of union, and, by a kind and conciliating exercise of our legislative functions, secure the confidence and attachment of the people and of the States.

Partial appropriations beget jealousy and distrust, and destroy confidence in Government. The people will not rest quietly under oppression, when they see the fruit of their hard earnings bestowed upon objects in which they have no interest, and which are in themselves worse than useless. They will complain; their attachments will be alienated, and the federal power become odious.

This bill appropriates fifteen hundred dollars per mile for the construction of this road; the length of the road is great enough to swell the sum appropriated to two million five hundred thousand dollars. This is but the beginning of the expenditure. This sum bears about the same proportion to the ultimate cost of construction, repairs, &c. when the whole shall be completed, as the title page of a book does to the whole volume. This two and a half millions is but a single instalment, the payment of which is to be repeated year after year, by appropriation after appropriation, through a series of years, to terminate the Lord knows where. I have not heard it contended, even by the friends of the bill, that the proposed appropriation will cover the cost

of the work. From the description given of the country over which the road is to pass, the streams that intersect its course, the swamps and the quagmires which lie in its way, it is evident that the cost per mile will far exceed the sum per mile expended upon the Cumberland road. The length of the Cumberland road now completed falls short of one-sixth the distance embraced by the road under consideration, and our statutes tell us that upwards of three millions have been expended upon that work.

This two and a half millions is to be taken from the avails of the revenue. Nearly one-half the revenue is collected at the city of New York: the citizens of that State, by the consumption of articles subject to duties, pay about one-sixth part of the whole revenue. The appropriation in the bill will impose a tax of at least four hundred thousand dollars upon the State of New York, which must be taken from the pockets of her citizens. The fruit of their labor, under the screwing operations of this Government, must be taken from them, and expended upon this sublime and magnificent road; a road which they will never travel, and which, whilst it forms a drain upon their purses, will never return a farthing into them. The passage of this bill will say to the citizens of New York, “pay four hundred thousand dollars as a tribute to our power, and prepare yourselves to meet future exactions of a similar character, when we see fit to make them.”

The sum to be extracted from the State of New York, by this single appropriation, is sufficient in amount to enable that State, could she control it, to accomplish some of her most useful and favorite plans of internal improvement, and this is to be bartered away for a few miles of a great national road, cutting through a corner of her territory.

Let any gentleman look, for a moment, at the operation of this scheme, and then tell me whether he will have the hardihood to ask a New Yorker to vote for this bill. No, sir, I will not violate the public trust reposed in me: I will not prostitute my vote to the surrendering of the rights of the State. I will resist this attempt to force the shackles upon her. Were this a work of utility, and did there exist a reasonable prospect of its advancing the general welfare, the hardship would not be so great; but I repeat what my colleague [Mr. MOWELL] has said, the project is wild, visionary, idle, and useless.

A few years ago, the State of New York applied to this Government for assistance in constructing her canal. Her then contemplated work was of a national character; it was no less than the connecting, by a navigable communication, of the waters of the great western lakes with the Hudson river, and uniting navigable waters extending from the Atlantic two thousand miles into the interior. What was your answer to this application? Notwithstanding the important link this work was to form, notwithstanding the increase of commerce it was to create, and notwithstanding the vast facilities it was to afford, you, in your wake and other operations, told her that you had not the constitutional power to appropriate the funds of the nation to purposes of internal improvement. New York was satisfied with your answer; she neither murmured nor complained. She had too much patriotism, and too just a sense of your limited authority, to press you to a violation of that sacred compact which forms our bond of union. Taking you at your word, she believed you had decided in good faith upon her application, and she believed that your decision would stand as a controlling precedent in all similar cases. Upon the faith of this understanding, she resorted to her own energies, and, through a wise, prudent, and persevering policy, she has accomplished her grand design, and astonished the world by her success. She has taxed herself for this improvement: her own resources have met the current expense, and this Government has not been annoyed by beggarly applications for her relief. Whilst she has been expending twenty millions of dollars for these objects, and

resting upon her own means to extinguish the cost, you have been lavishing the national funds upon interior projects in other sections of the Union; the utility of all of which combined, will not compare with what she has effected.

Since the wisdom of this Government has fathomed the depths of its power, reversed its solemn decision, and entered the field of internal improvement, New York has been undergoing a double taxation. She has met the demands for her own improvements, and been cruelly compelled to pay for the one-sixth of yours. Accumulating burdens oppress her; she finds her hands tied, and her treasury exhausted. She is compelled to impose a direct tax upon her citizens, to meet the current expenses of her Government, and to suspend the prosecution of some of her most favorite works. In this embarrassing state of her finances, and whilst deploring her want of means necessary for the further prosecution of her favorite plans; you threaten, in addition to your former exactions, to rifle her of four hundred thousand dollars by this bill, and to perpetuate your oppression.

Sir, I hope the motion to strike out the first section of this bill will prevail: if it does not, I will offer the amendment I mentioned, at the earliest opportunity.

As a representative from the State of New York, I protest against the power of this Government to pass this bill into a law. I protest against its partiality, and against its prodigal waste of the public treasure. New York has patiently and quietly borne all the burdens you have cast upon her. Her attachment to the Union forbids the thought of estranging herself from you. She asks you to return to those principles which governed your councils in deciding her application.

If you have a surplus in your treasury, she asks you to apply it to the payment of your national debt, and when that shall have been done, if a surplus still remain, she asks you for a just and equal distribution.

Should you refuse this request, and continue your present system of legislation, regardless of her rights, to say the least of it, she will take it most unkindly.

Mr. PETTIS now withdrew the motion which he made some days ago, to strike out the enacting clause of the bill, having at first made it to enable gentlemen to discuss the general merits, free of the amendments proposed.

Mr. CRAIG, of Virginia, regretted that the motion was withdrawn, as he thought it desirable to see whether there was a majority for the bill, before the amendments were taken up.

Mr. STORRS, of New York, renewed the motion to strike out the enacting clause, and proceeded to offer his reasons for being opposed to this bill, although now and always an advocate of the constitutional power of internal improvement.

Mr. BOULDIN said, he had no prepared speech to make on the subject; he had no note of what had been said on it by others; but the deep interest felt by those who sent me here, [said Mr. B.] in the question now under consideration—an interest felt by them in common with all the growers of cotton, rice, and tobacco, in this Union, forbids that I should give, entirely, a silent vote. The evils, both moral and political, which must and will arise from carrying the principle of this into practical effect, from executing a general scheme of internal improvement, have been set forth so clearly by my colleague, [Mr. BARNUM] the inexpediency of the proposed measure proved by arguments so strong and clear, that nothing would be needed to exemplify, extend, or apply his views, were I able to execute such a task. And as it regards the road now proposed, from Buffalo, by the way of Washington, to New Orleans, if any thing had been wanting to prove its utility, I had almost said its absurdity, when compared with its cost, the same has been most amply supplied by the gentleman from New York, [Mr. STORRS] who, though a friend to the principle of the bill, proves that the measure

itself is any thing else rather than wisdom. I have but a single additional view of this case to present to this committee. Sir, my constituents, together with the growers of two-thirds of the whole exports of this Union, have regarded and do regard the proceedings of the present Congress with much anxiety. Upon their minds, the conviction that an unequal share of the public burdens are laid on them, is deep rooted; it is an opinion fixed as fate, it has been well and long examined; every fact and circumstance belonging to it have been viewed and reviewed, patiently and diligently, and have been presented, here and elsewhere, in a light so clear, that, as it appears to me, nothing but the potent effect of fear or supposed interest could prevent the majority (to whom I now address myself) from seeing it as it is. And though I may be truly told that interest has as binding an effect on one side as the other, the very fact that we are arranged on different sides, according to our general occupations, proves the unequal operation of our present revenue laws. The majority, I know, call the protecting duties the American system, and say it is good; and for them, it may seem so. I shall not enter the lists against their formed, their nourished opinions, based as they are on apparent interest; it would be a hopeless task indeed. But I may, I think, safely ask this committee to believe, that, in the opinion of the whole southern country, (except the sugar planters,) they are unequally taxed; and I said that the movements of this Congress were regarded by them with deep solicitude; they looked, sir, with anxiety for the President's message; they had no right to expect from him an abandonment of the tariff principle; they knew, when they voted for him, that his opinions were with the majority on that point; they, therefore, did not expect him to recommend a system of taxation, by which they would be required to pay no more than their equal share of the public burdens; but they did expect him to recommend a modification of the present law on that subject; they were not disappointed: they had a right to demand of him, and of you, that in this modification their interests should be regarded. Yes, sir, and that their opinions, too, should have their due weight; here, sir, the message is also as it should be: for the sake of harmony in our national councils, an abandonment of the scheme of internal improvement is distinctly recommended. But the indications of the temper of the House on those two points are calculated to increase the anxiety of the South to produce alarm in their minds. A bill to modify the tariff in the spirit of the message, was reported by the Committee of Ways and Means. It was kicked out with indignity by this House, and by most of the same votes; a most alarming liberality in appropriations is observable. Shall the entire payment of the public debt give us no relief? I beg the committee to pause, and think of this matter; we have no hope for justice, we look not for equality of taxation. This inequality we have borne, and (to be applied to the necessary expenses of Government) we will bear it so long as it is tolerable: nor will I attempt to mark the limits to which Virginia will go. Whatsoever can be done by heroic fortitude, all that can be dictated by love of this Union, by her clear perception of her deep interest in it, will be done. But, I pray you, do not declare to her that the present inequality of taxation shall not only remain, as it respects the proportions, but shall be kept up, as it regards also its amount. It is not sufficient to answer that this inequality is imaginary. The legislators of this land cannot wisely, they cannot safely, disregard the deliberate, settled opinions of the growers of two-thirds of its exports. This interest is too powerful in wealth, numbers and talents, to be thus treated. I ask not, I do not insinuate, that the decision of this question is to be left to them. No, sir, this whole subject is to be weighed and decided by the majority, who feel not the interest, and partake not of the opinions of the population alluded to. I ask that majority, in framing their own opinions,

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Buffalo and New Orleans Road.

[H. of R.]

to spread out this whole country before their mind's eye. You know that sore restlessness exists, if you will not, and think you cannot appease it. It is unwise, it is unsafe, to increase it. The arguments which the committee have heard from others, prove clearly that this road could get but few votes in its favor, upon a simple comparison of public and general utility with its cost. The abstract principle of internal improvement with its connexion with the American system (as it is called) is to carry the bill, if carried at all. Should this bill pass, I should regard it as conclusive, that the purpose of this Government, to keep the present grinding oppression of the South up to its present amount, is fixed. I have an awful feeling on this point. I know well the opinions of my own constituents, and we all know that one common feeling, on this subject, pervades the whole southern country. They cannot, for one moment, be duped into the belief that the inequality they are subjected to, is, under any circumstances, to be made to them by the disbursements of the Government. The best, the most they could hope for, under the operation of this internal improvement system, is an effect sometimes seen in the conduct of a speculator, who, finding that the stock on hand has fallen in price, goes on purchasing on a falling market, whereby he lowers the average, but increases his loss. So long, therefore, as the southern country pays two dollars tax for every one dollar of that tax that is paid into the treasury, will it be plain to them that, even on an equal application of the revenue to all parts of the Union, they will be losers one hundred per cent.; but they know they are to lose more. They have no warrant for the belief, that those who now see not that they are unequally taxed, will ever be less unequal in the application of the proceeds. Should any thing be done in their country, under the name of internal improvement, they well do know that, for every dollar thus received, they will pay five; and, from the manner such works must and will be executed, their own contributions to the particular work itself will exceed its value. But, sir, if this bill passes, they see not in it a disposition to give them one dollar in five of their own money. They cannot regard the money as appropriated to open the road. No, sir; they will believe that the road is to be opened to appropriate the money. I shall say nothing of the want of lawful power which should now hold our hand. Reasons, good, for declining to argue that question here, were stated in the opening of the debate. But the deep, the settled opinion of the South, that they are oppressed, becomes a matter of more serious consequences, when you take into view their equally settled opinion, that the oppression arises from the exertion of unauthorized power in the manner the taxes are laid. This mode of continuing these taxes, or increasing them, is also by them regarded as unconstitutional. The state of feeling and of opinion thus entertained by the South, I wish taken up and considered as a substantive argument in itself, unconnected with the idea of its being well or ill founded. You cannot say it is capricious; you cannot say it is entitled to no respect; the opinion has been long fixed, it is identified with the soil; it is now, and always has been, the deliberate conviction of many of the clearest heads and soundest hearts of this or any other country. It pervades a large, a powerful section of country, marked out by natural boundaries. The lawgiver who acts in contempt or disregard of opinions, thus situated, acts unwisely; he treads on danger's giddy brink. Mr. Jefferson is often cited as authority here on all sides; the fixed opinion of New England caused him to give up the embargo. The opinion of Massachusetts was not more firmly or warmly set against the embargo, than is that of the whole South against the tariff, and this mode of continuing or increasing it. Our federative system is supposed to be wisely contrived to secure as much of energy as is consistent with the preservation of liberty; but, sir, the lawgiver who acts on these States as

one compact whole, and regards not the opinions, nay, the prejudices of large compact minorities, knows nothing of the spirit in which the constitution was formed, or the practical administration by which our Union, under it, can be preserved.

Mr. W. B. SHEPARD said, he did not rise at that late hour, with any desire of entering fully into the discussion of the subject before the committee. I have [said Mr. S.] no such uncharitable intention; I merely wish to explain the reasons why I should give the vote I intend to do on this occasion. And this, sir, would be unnecessary; but, representing the section of country, and holding the opinions which I do, my motives might otherwise be misunderstood. Perhaps in the course of my observations I may be induced to take a short excursion along this road, with the view of picking up a few stragglers by the way side. This subject has been discussed upon two grounds—its constitutionality and its utility. I had hoped, sir, after the abandonment of the constitutional ground of objection by the honorable gentleman from Virginia, we should have taken the question as settled, that the General Government have the right to prosecute works of improvement within the bounds of the several States.

[Here Mr. BARBOUR interrupted Mr. S., and denied he had abandoned that ground.]

I have no intention of roaming over the numerous reasons why the General Government has this power; but would merely observe, that it is very surprising to see gentlemen denying this power, who admit other constructions of a more evil or dangerous tendency. It is the practice of those who advocate this restrictive construction of the constitution, to appeal to Mr. Jefferson as to a pure fountain of truth, undefiled; they catch at the slightest word which has fallen from him, and regard it as an incontrovertible political axiom. And yet, sir, the most remarkable instance of constructive power ever assumed by this Government was under his administration, and by his recommendation. I mean the purchase of Louisiana. I would ask those who rely on this authority for the correct construction of the constitution, to show me the clause which gave the power of purchasing Louisiana to the General Government; and, if they cannot find it expressed *totidem verbis*, will they stand up on this floor and condemn that purchase? Will they condemn an act which brought a new world into existence, and opened the fertile and prosperous West to the industry and enterprise of our fellow-citizens? I mention this fact, with no intention of derogating from the well-earned fame of Mr. Jefferson, but as an instance of his practical construction of the constitution. If his opinion changed, I know of no reason why we should wander, even with the divine Plato. It is unnecessary to go very remotely back for precedents of constructive powers—we can find them sufficiently numerous by daily observation in this House. It has not been many days since we construed two "little words" into a statute of Virginia, in order to eject one member from his seat, and put another one in it. And for this we had the efficient aid of the honorable gentleman from Virginia, who spoke so feelingly against this bill. I followed his example; for I thought his construction the right one, although the reasons for it would not be entirely satisfactory to a plain man, who understands words by their apparent meanings. The truth is, the constitution of the United States was intended to save the country from misery and anarchy. It is a grant of enumerated powers; powers which could not be very rigidly or strictly defined. The wants of a great and growing nation could not be anticipated or imagined; and so long as the exercise of those powers tends to the general welfare and prosperity, they answer the great end for which they were designed. It is immaterial what set of politicians are called to the administration of this Government—they will find themselves compelled to adopt the construction now contended for:

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Pensions.

[APRIL 2, 3, 1830.]

Upon any other, the Government may reel on its feeble existence for a few years, and finally be dissolved by its own weakness. We have heard allusions made, in the course of this debate, to those persons who desire a great and splendid Government. If by a splendid Government gentlemen mean a Government which carries its blessings into the remotest corners of its dominions, which peoples its forests with a living and industrious multitude, which is hailed with gratitude and joy in the remotest log house beyond the mountains, I am, sir, for a splendid Government. I would rejoice to see the day when the name of an American citizen, like that of the ancient Roman, would be a protection on every sea, and a terror to tyrants on every land. But if nothing more is meant than a continual playing with the passions and prejudices of the people, for the offices of the Government, the less we have of such splendor the better. To be happy and free, we must be great. By greatness I do not mean the voluptuous splendor of an eastern monarch, a mere sensual enjoyment, the indolence of one, maintained by the sacrifice of millions; I mean that greatness which demands and obtains the respect of the world; which ensures to the poorest citizen of the community personal security, the means of obtaining plenty, and a fair field for the exercise of all the energies of his nature. The most melancholy forebodings have been indulged in, should we continue to progress with this system of opening roads, making canals, and deepening harbors. The fate of Rome has been brought before us, and painted in vivid colors; her passion for splendor has been assigned as the legitimate cause of her degradation and misery. Rome was a nation of warriors; her splendid ways were constructed to transport her conquering legions to enslave nations; she lived by the plunder of the world; despising commerce and the pursuits of civil life, she had no occupation but that of war. The comparison, therefore, is not sustained; our roads are intended to draw closer the bond of union; to drive, by a nearer and more familiar intercourse, barbarism and hostile feelings from among us; to unite us, by the closest of all ties, the tie of interest. But, sir, should this devout end not be obtained, should the sun of our horizon run his ecliptic course through as brilliant a galaxy as that of ancient Rome, and finally set in as mild a splendor as that of modern Italy, the land of science and of glory, this would be better, far better, than twenty-four petty, jarring, independent tribes, the natural and inevitable result of the opposite doctrine. In the one case, we may leave something for the study and admiration of mankind; in the other, a great deal for his scorn and contempt. Equally unfortunate, in my estimation, was the allusion made to the present condition of England. Her immense debt, which weighs so heavily upon the industry of her people, was not incurred by making roads or cutting canals, but in unnecessary wars; so far from it, that the very existence of that country is now to be attributed to its high state of improvement, to the facility of intercourse through every section, by means of which the industry of every part of the population is wafted to every quarter of the world. By means of the twenty-five or thirty canals uniting the eastern with the western section of England, the spirit and intelligence of the capital is conveyed in a fruitful stream throughout the kingdom. We have seen England, with a population of ten or fifteen millions, maintaining a firm and invincible front against hostile Europe. We have seen her warring in every hemisphere, the last refuge and only hope of free principles in the old world!

To what are we to attribute this indomitable spirit? And whence did she draw the treasure to sustain this protracted struggle? Her people, on beholding the land of their birth rendered a garden, and endeared by their industry, would have died sooner than have permitted the spoiler to have entered their territory. In the course of this debate, we have heard the remark of a celebrated British orator,

"that the power of the crown had increased, was increasing, and ought to be diminished," applied to this Government. This may be true, sir, but there is no evidence of it. To ascertain if there is a probable foundation for the remark, let us look at the occurrences of the last few years. We have seen an administration hurled from its seat by a spontaneous burst of the popular voice; not because the constitution had been violated, nor because the liberty of any one had been assailed, but from a bare suspicion that unfairness had been used in preventing the will of the majority. And although, now, no honorable man believes there was any corruption in the choice, though the charge has been consigned to the "kennel of forgotten calumnies," the bare existence of this circumstance is proof of the uncontrolled and uncontrollable power of the people in the administration of this Government. Does not this House daily exhibit that they are tremblingly alive to the opinion of their constituents? That the slightest murmur of disapprobation at home sounds like thunder in their ears? How, then, can we imagine the power of the Government is increasing? Are we prepared to adopt the nullifying notions that seem to have struck so forcibly the imaginations of some of our politicians? I hope not; I do not despair of the republic, but have great confidence in the permanence of our institutions. And, although I differ widely with many of the opponents of this bill, I cannot vote for it. I do not think the expediency or necessity of a road from Buffalo to New Orleans has been shown to the House. I have no doubt that the General Government has the power to execute the work; but I cannot consent to expend so large a sum of money as this road will require, for an object the utility of which is so doubtful. I will not repeat the arguments which have just fallen from the honorable gentleman from New York; to my mind they are perfectly satisfactory of the inexpediency of this measure.

Mr. RAMSEY, of Pennsylvania, spoke in explanation of his former remarks, referred to by some gentlemen.

Mr. CARSON replied to some of the remarks of his colleague, Mr. SHEPARD.

Mr. WICKLIFFE moved that the committee rise, and report the bill, with the view of refusing leave to sit again, and discussing the amendment in the House; but

The CHAIR pronounced the motion out of order.

Mr. STORRS replied to some remarks of Mr. RAMSEY, in reference to his course on this bill; and, after some further explanation between Mr. SHEPARD and Mr. CARSON,

The committee rose, on motion of Mr. ARCHER.

FRIDAY, APRIL 2, 1830.

The House resumed the consideration of the resolution, proposing to set apart every other Thursday for such legislation as may be necessary for the District of Columbia.

After a good deal of debate on the part of Messrs. SPEIGHT and P. P. BARBOUR, against the resolution, and Messrs. MALLARY, DAVIS, and INGERSOLL, in its favor, and an ineffectual attempt of Mr. BARBOUR to lay it on the table, the resolution was adopted—yeas, 86, nays, 75—so modified as to commence next Thursday.

SATURDAY, APRIL 3, 1830.

PENSIONS.

The House took up the following resolution, reported by Mr. BATES, from the Committee on Military Pensions.

"Resolved, That the Committee on Military Pensions be instructed, agreeably to the President's recommendation in his message of the sixth of December last, to revise the pension law, for the purpose of extending its benefits to every soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort, and to report to the House a bill for that purpose. And, also, that said

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committee be further instructed, agreeably to said recommendation, to report a bill for the relief of all those who were, during the last war, disabled from supporting themselves by manual labor."

Mr. BATES said, the applications for pensions are numerous, which do not come within the range of the provisions of the pension laws, and for which provision ought to be made, if made at all, by a general law, and not by special acts. In order to take the judgment of the House upon the propriety of passing such general law, the committee thought it best to present the question in the form of a resolution, that it might be stripped of the embarrassments and refuges which the details of a bill create; and he supposed it would be expected of him in a few words to call the attention of the House to its import and general bearing.

The resolution [he said] embodies precisely the recommendation of the President in his message at the opening of the present session of Congress, no more, no less. It involves two propositions, the one relating to the soldiers of the revolution, the other to the invalids of the last war. The first proposition is to extend the benefits of the existing law to "every soldier of the revolution who aided in achieving our liberties, and who is unable to maintain himself in comfort." To extend the existing pension law—the act of 1828, so far as it relates to the officers, was founded on compact; and, so far as respects the soldiers, it gives pensions only to those who served to the close of the war, &c., without any reference to their ability or inability to support themselves; and has, therefore, no application to the subject in hand. The law of 1818 gives a pension to those of the continental establishment, who, at one period of the war, or, in the language of the act, "at any period of the war, served for the term of nine months or longer," and who were in such circumstances as to need, &c. Under the construction which has been given to this act, those whose enlistment was for a shorter term than nine months, whatever might have been their term of service, are excluded, and those, also, who enlisted for nine months, and by captivity were prevented from serving in the army. For these two classes provision has been made by the bill that has gone to the Senate; and which, by great grace and favor, has reached the honor of a second reading, upon a call of yeas and nays, by a vote of nineteen to seventeen. Mr. B. said he congratulated the House upon this occasion. It might grow to be of some importance in this Government, for the bill of the last Congress did not arrive even to that honor. Do what you will to these old soldiers, but hear them. And if they are not to be heard, let this House be heard in their behalf, at least with the usual forms of respect and attention. The resolution, therefore, only covers, beyond, the cases of those who, under different enlistments, served nine months, or, under one or more enlistments, a shorter term than nine months.

There was another class of troops, now known as State troops, eleven regiments, or rather battalions, for they consisted of but five hundred men each, who are also provided for by the bill now in the Senate, leaving those only to be embraced by the resolution, who served for a shorter time than nine months, or nine months at different times.

The third class consists of the militia and volunteers, who, at all times, were useful, and, on many occasions, saw very hard service.

The proposition, then, is to give relief to all the soldiers of the revolution, whether continental, State, militia, or volunteer, who are unable to maintain themselves in comfort, as a national memorial, and testimonial of our gratitude and justice, of their merit and worth, and of the glorious results of their services—a full pension to those who served nine months, and a *pro rata* pension to those who served less. This, however, to be fixed in the details of the bill as may be thought proper.

The second proposition is to give a pension to those "who were during the last war disabled from supporting them-

selves by manual labor?" Those who were disabled by known wounds are now provided for, leaving only those for the resolution to act upon who were disabled by other means, such as hardships, exposures, &c. &c.

Thus far for the import of the resolution. As to its bearing upon the treasury, if it should be consummated into a law, the committee, aware that they would be called upon to state the number of soldiers it would embrace, addressed through the House a resolution to the head of the department who has the administration of this subject, and all the means of information in relation to it, accessible or known to the committee, which he asked the Clerk to read, with the Secretary's answer to it.

"Mr. BATES, from the Committee on Military Pensions, reported the following resolution, which was adopted:

Resolved, That the Secretary of War be directed to report to this House the probable number of surviving revolutionary officers and soldiers (not provided for by the existing pension law) who aided in establishing the liberties of the United States, and who are unable to maintain themselves in comfort; designating, as nearly as may be, such as belonged to the continental establishment, and such as were regular troops of the line of the army, but not of the continental establishment, and known as State troops; as, also, such as belonged to the militia of the States, severally, whether as volunteers or otherwise, and what additional appropriations will be necessary to meet the views of the President in this respect, as disclosed in his message at the opening of the present session of Congress; and, further, to report the probable number of those who were, during the late war, disabled from supporting themselves by manual labor, and who are not provided for by existing law.

WAR DEPARTMENT, 19th January, 1830.

The resolution of the House of Representatives, of the 14th January instant, relative to the number of surviving revolutionary officers, &c. cannot be fully and satisfactorily answered by any information on file in this department. The enclosed communication from the principal clerk of the Pension Bureau, is a reply, to the extent that the records of the War Department will permit.

Very respectfully,

J. H. EATON.

ANDREW STEVENSON, Esq.

Speaker of the House of Representatives.

WAR DEPARTMENT,

Pension Office, January 15, 1830.

SIR: In relation to the resolution of the House of Representatives, of the 14th instant, respecting the surviving officers and soldiers of the revolutionary war, I have to inform you that the archives of this department furnish no data upon which an estimate could be made, as to the probable number of those who belonged to the State regiments, volunteers, and militia, during the revolutionary war. Of such troops we have no rolls, except the three State regiments of Virginia. Of the number of Virginia State troops, now living, I can form nothing like an accurate calculation: possibly a hundred may still survive, and perhaps three-fourths of them might ask for assistance, if a law should pass embracing their cases. If all who served on the continental establishment are comprehended in the resolution, it would embrace men who served for six and eight months. What portion of these are now alive, and in needy circumstances, I am unable to determine, but four hundred would, I think, be a large estimate.

I have no means of ascertaining what number of persons were disabled during the last war, who are incapable of maintaining themselves by manual labor, and who are not provided for by law.

I have the honor to be, very respectfully, your obedient servant,

J. L. EDWARDS.

Hon. JOHN H. EATON, *Secretary of War.*"

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Judge Peck.

[APRIL 5, 1830.]

Mr. B. said he called for the reading of these papers rather for the purpose of showing what is not attainable than what is obtained. In as much as this measure was recommended by the President, the committee thought it due to him to call upon the appropriate department of his cabinet for such facts and information as might be useful in justifying and sustaining it. But, from the condition of the records of the army, and the nature of the case, it is impossible to form a satisfactory opinion upon the subject. He would not, therefore, venture to give one. The fact can only be ascertained now, as it was in 1818 and 1828, by experiment. Of one fact, however, and the only one material, we are assured, and that is the ability of the treasury to meet the demand which the resolution may create upon it. The House ought not to forget that time has thinned the ranks of these men, and abridged the life of all of them by twelve years since the act of 1818. The amount of the immediate demand will be much less than is expected, he thought, and it will be a gradually and rapidly decreasing demand. These men will soon cease to trouble you. The last of them will soon be gone. The measure must, therefore, rest, for its basis, upon the recommendation of the President, who doubtless considered it well before he recommended it to Congress, and upon the great and obvious and universally admitted justice and propriety of the measure.

He congratulated the soldiers of the revolution that the President had pledged the authority of his name, and staked to the nation his influence with Congress in their behalf. It was an act worthy of a President of the United States. It ought never to be heard in a country like ours, that these men are left to suffer from want, or even to feel that they have been rigorously and harshly dealt by, and he hoped to hear no more of paying the national debt until this, the most ancient, just, and sacred, is first met and cancelled. Sir, [said he] there never was a race of men so trifled with as these men have been, whose feelings and honor were held in such cheap account. In 1818, you gave them a pension. In 1820, as soon as they adjusted themselves to their new condition of comfort, you took it away. By the same act, and that of 1823, you readmitted a portion of them to the pension roll, but upon this condition—a sworn confession of absolute pauperism, nay, you required proof of it upon inspection and valuation. You searched their tents as if they had been felons, not to ascertain where they get their plunder, but what they had, and what they had done with what they had not. You made him account for the twin lambs he had given his children for the rearing, and for the cradle his wife had given to his daughter upon her marriage. You charged him with the money he had paid for services filial piety had rendered, unless he could show an antecedent contract which no parent ordinarily would have thought of proposing, and no son, unless a bastard or an outcast, of making. In 1828-'29, no sooner had a new rule been adopted, more just, more liberal, and in my view more conformable to the act of 1818 than the old one was, and the hopes of these men, which had become dead, been revived, and their crutches put in motion—for they had no time to lose—no sooner had they set out upon their pilgrimage to the court-houses, to get their papers, than the rule was reversed—the Government had changed its mind—"as you were," was the order from the War Department. Of course, all their expense and trouble were incurred for nothing. I repeat, sir, there never were men so trifled with: Age, infirmity, poverty, and suffering have been sported with, not by the boys of Bethel, but by Congress. Here, sir—less here than elsewhere. Fair speeches will answer no longer. They have answered long enough. Let the question be settled, once and forever. Let the claims of these men be admitted and satisfied, or rejected; for, in reference to this subject, hope given up is preferable to hope deferred. Let them have

at least the quiet of despair. I say again, that I congratulate them that the President has interposed in their behalf. It is proof that he knows what is due to them, and what is due to ourselves, to our own character and honor; and I call upon the House to sanction the measure he has recommended.

[Here the hour elapsed for the consideration of resolutions.]

MONDAY, APRIL 5, 1830.

The SPEAKER presented a memorial of James H. Peck, Judge of the United States' district court for the district of Missouri, in relation to the report of the Committee on the Judiciary, made to the House on the 23d ultimo, on the memorial of Luke E. Lawless, in which report it is proposed that he (the said judge) be impeached for high misdemeanors in office, praying the House to receive from him a written exposition of the whole case, embracing both the facts and the law, and that he may have process to call his witnesses from the State of Missouri, in support of his statement, before any discussion or vote be taken on the evidence as it is now presented with the report of the committee—or, if that cannot be granted, he prays the House "to vote the impeachment at once, without any discussion on that partial evidence which presents a garbled view of the subject, greatly to the prejudice of the memorialist, and that he may have as speedy an opportunity as the nature of the case will allow, to exhibit before the tribunal of the Senate, and before his country, the entire transaction in all its parts, as it really occurred."

The report having been read by the Clerk,

Mr. STORRS, of New York, moved to commit it to the Committee of the Whole House on the state of the Union, to which is committed the report of the Judiciary Committee relative to Judge Peck.

On this motion a debate ensued, which continued till between two and three o'clock, embracing in its range the propriety of granting the prayer of the petitioner, the propriety of the course pursued by the committee in their investigation of the subject, the history of other cases of impeachment in our country and in Great Britain, and, somewhat, the merits of the present case. Messrs. STORRS, of New York, CLAY, BUCHANAN, INGER-SOLL, SUTHERLAND, WICKLIFFE, PETTIS, BELL, SPENCER, of New York, EVERETT, STRONG, COULTER, and CRAIG, of Virginia, took part in the debate, which was at length terminated, by a successful motion of Mr. DAVIS, of South Carolina, to lay the memorial on the table, and print it.

[The following are the only speeches the publishers have been able to obtain:]

Mr. CLAY said, that when he withdrew his motion to lay this memorial on the table, and print it, he had had no idea that such a discussion would have taken place as had since arisen. Nor could he perceive the propriety of the debate under such a motion as had been made by the gentleman from New York, [Mr. STORRS] to refer it to the Committee of the Whole on the state of the Union. He had greatly misunderstood the memorial of Judge Peck, if it reflected in the slightest degree on the Judiciary Committee; and he was persuaded that those gentlemen who had represented that paper as so doing, had entirely misunderstood its tenor and purpose. All that the Judge had done in his petition was, to present a simple statement of facts, and to ask that he might be heard before he was impeached. He had uttered no reflection whatever, either on the Judiciary Committee or its chairman; and why it had roused so much feeling in the House, he was utterly at a loss to understand. He might be mistaken, but to him it seemed that the whole discussion was out of order. The question at this time was not whether the Judge should be

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heard at the bar of the House, or whether additional testimony should be received. Neither of these questions was at all involved in a motion to refer the memorial to the Committee of the Whole on the state of the Union; yet the whole discussion seemed to have gone on the supposition that such was the question, and gentlemen had argued it on the ground of precedent. As to precedents, there was no uniformity in them on this subject. One high case had been referred to, that of Warren Hastings, and also that of Judge Chase. But the practice in the several States differed from that which had been pursued by the General Government. In his own State, (and he hoped he should not be considered as presumptuous in referring to the practice of a State which had so recently been admitted to the Union,) the course pursued in cases of impeachment was different; and he thought there were many inducements for the House to pursue the practice there adopted. He could not unite in the opinion that the House should proceed precisely as did a grand jury in ordinary cases of indictment. The present case was totally different. A great officer had been accused of a great offence. Did gentlemen suppose, could they think, that, when a high officer of the Government was accused by a private individual, he must, on the mere *ex parte* testimony of that accuser, be at once impeached? Mr. C. said he should hesitate much, before he could subscribe to such an opinion. He thought the House ought to proceed with very great caution. Merely to accuse, was not all that was necessary in order to have a judge impeached. Some gentlemen seemed to conceive that the memorial of this petitioner asked that witnesses might be examined at the bar of that House; but it made no such request directly. It only asked this as one alternative—that his witnesses might be heard here, if not elsewhere. Mr. C. inquired why it would not be proper to appoint commissioners to take testimony in Missouri or elsewhere. Where would be the inconvenience of such a course? Where would be the impropriety of issuing commissions to individuals of respectability, to take testimony on the spot where the offence had occurred? This could be done, although that House was not the tribunal before which the accused was to be tried. It had very truly been stated, that the ground of this impeachment had occurred some four or five years before. The case had at that time been referred to the Judiciary Committee of the House, who, after looking at it, requested to be discharged from its further consideration. The same extraordinary prosecution had been attempted the second time, but with no better success. And was it not natural for the accused, when a grand jury had thus twice made a return of *ignoramus*, to suppose that he was exempt from any further molestation on the same ground? Surely it was; and Judge Peck had concluded, when, in a second instance, a competent committee of that House had had his case before them, and made no report upon it, that he was exempt from further trouble. While these facts were not denied, and gentlemen looked at the length of time which had since elapsed, they must allow that it behooved them, as candid and honorable men, to act in the case with caution and deliberation. Were gentlemen prepared to decide on the proposition of the Judge, without fully consulting the precedents? It had been to allow time for such an examination, that he had made the motion to lay the memorial on the table, and print it; and he must be permitted to say, that a discussion like the present would, in his judgment, have been more proper after such a delay, than it was at present.

He now renewed the motion, but once more withdrew it at the request of Mr. STORRS.

Mr. BUCHANAN said, that, whilst he was influenced by no personal feeling in this case, he thought it was his duty to make one or two explanations in relation to some matters contained in the memorial which had just been read.

Judge Peck, in that memorial, suggests that the Committee on the Judiciary sent for such witnesses only as had been selected by Mr. Lawless. That is far from being the fact. The committee acted upon higher principles. They were sensible of the high responsibility which they owed, both to this House and to the country, for the correctness of their proceedings; and had, therefore, inquired and ascertained, from the best sources in their power, the names of such witnesses as would be most likely to give an impartial and intelligent statement of the transaction. They had sent for and examined seven witnesses; and he owed it to them to say, that, although he had long been in the habit of examining witnesses in courts of justice, he had never observed, on any occasion, more candor or more impartiality than these seven gentlemen had exhibited upon their examination before the committee.

It is true, as the memorial suggests, that, in the case of Warren Hastings, the House of Commons did hear the accused, and did permit him to produce testimony, before they voted an impeachment against him. But this was only a single instance. That course might have been adopted, because Mr. Burke, merely as an individual member of the House, had risen in his place, and moved the impeachment. Whether he was correct in this conjecture or not, it was certain there had been no case of an impeachment by this House, in which so much indulgence was granted, as had been allowed to the accused upon the present occasion. He was permitted to furnish the committee with a written explanation of his conduct, and his request that he might cross-examine the witnesses was promptly granted. The House will decide, when they come to review the testimony, whether he was improperly restricted in this cross-examination, or whether it has not been full and ample. He would say, that, in his opinion, this cross-examination had rather injured than benefited the Judge.

Mr. B. said, that, for his own part, he had never considered the parol testimony in this case of much importance. The opinion of the court, the commentary of Mr. Lawless upon it, which was the alleged contempt, and the record of the court imprisoning and suspending him from practice, were all in writing, and were the facts on which the committee mainly relied in forming their opinion. In that opinion they were unanimous. They felt deep regret, when they found themselves obliged to come to the conclusion which they had done; and it was with great reluctance they had recommended an impeachment to the House. In making their report, they had purposely expressed a mere naked opinion only, unaccompanied by any argument in its support. They did not wish to bias the decision of the House by any commentary of theirs upon the testimony. All they desired was, that each member should read the testimony for himself, and draw his own conclusions from it.

Mr. INGERSOLL said, there might perhaps be some difficulty in arriving at the correct practice to be pursued in this case; and as possibly the practice hitherto had not been uniform, it was the more important that the House should start right. He confessed that this was, in a great measure, a new case to him. The only one that he had ever before witnessed was that in which charges, through a newspaper of this district, had been brought against the Vice-President about three years ago. That officer had presented these charges to the House, as the grand inquest of the nation, and requested an inquiry. A committee had been appointed to investigate them; and, before that committee, a friend of the Vice-President had been permitted to appear, and represent him throughout the whole investigation. Witnesses, also, had been examined on the part of the accused. How it had been in the case of Judge Chase, or of Judge Pickering, from New Hampshire, he did not recollect; but he well recollected that witnesses in favor of the Vice-President had been examined, as well as against him, and that his representative had

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been allowed to be present before the committee through every stage of that examination. The committee at that time took some pains to ascertain what was the proper mode of proceeding, and they became satisfied that the party accused had, in these preliminary proceedings, a right to be thus heard. The constitution providing for the impeachment of all civil officers, makes no difference between judicial and other officers. Nor can it make any difference whether the matter is brought before us by the individual who feels himself injured by an unjust charge, or whether it comes on the petition of a citizen, or by the message of the Executive, or by a member rising in his seat, as was done in the case of Warren Hastings. The rules which must govern the inquiry must be uniform, be the officer who he may, and no matter in what form the subject is first brought to our notice. Mr. I. said, he would not, in this early stage of the business, commit himself to any course, till he could look further into parliamentary proceedings in similar cases; he rose principally to correct what had been said by the gentleman from New York, who, he thought, went too far in saying that there had been no instance in which the party accused was permitted to examine his witnesses in the preliminary proceedings in this House.

Mr. PETTIS said: Standing indifferently, as he protested he did, between the accuser and the accused in this case, he hoped he might be permitted to make some remarks on this subject.

The House of Representatives had now to perform a very important duty—important, as had been observed, not only to the judge who had been accused, but to the country. The practice in cases of impeachments, so far as regards the proceedings in this House, was now to be settled; for it was obvious that it had not yet been settled by precedent. Gentlemen had, indeed, spoken of the case of Judge Chase; but that case had no application to the present one as it now stands. Judge Chase did not ask to make his defence before this House, nor did he ask either to cross-examine witnesses on the part of the Government, or to have an examination of his own witnesses. As the present question was not then raised, that case can form no precedent to govern in this instance.

Mr. P. regretted the course pursued by the gentlemen of the Judiciary Committee, especially that of its honorable chairman, [Mr. BUCHANAN.] That gentleman had repeatedly told the House that he had no feeling towards the accused. Mr. P. said he hoped his remarks would not show a freedom from feeling in the way that those of that gentleman had done. The honorable chairman had, in a very unnecessary, and, he would say, improper manner, entered into the merits of the case. He had told the House that, in order to save the Judge, his request should be refused him; and he had said that the Judge had made his case worse instead of better by his cross-examination of the witnesses. The gentleman from New York [Mr. STORRS] had taken the same view; both intimating that they were desirous to save the Judge from himself. What was it the Judge asked in his memorial? First, that he might be permitted to defend himself before this House, and then that his witnesses might be examined at our bar; but, if this be not granted, that his case might be sent back to the committee, and that there he might present his defence, and there have his witnesses examined. Mr. P. said he considered the request of the memorial perfectly fair and proper; and if the motion to lay it on the table and print it should prevail, he should then move a series of resolutions, presenting in a distinct manner the several requests of the memorialists that the House might act expressly upon them. As to the first, it was certainly important that the House should know the principles on which the case rested. The Judiciary Committee had, it was true, made a report; but they had not laid down one of those principles in it. Now, he put it to gentlemen, whether they were

prepared to act in the case until these principles were examined and known. Were there any gentlemen present who had fully examined the law bearing on this case? He presumed not. We were then called upon to act in the dark, upon faith. He had not himself had time to examine the principles involved, nor had he made up any definitive judgment on the case. He thought the Judge ought to be permitted to show whatever bore on his side of the question, and the committee should then exhibit whatever had an opposite bearing. This might be done should the House refuse to hear his witnesses. He was of the opinion that his witnesses should be examined by the committee.

Mr. P. said, this was not the ordinary trial of a criminal before a court of law, but was a proceeding of a much higher character. Why is it that a defendant's witnesses are not permitted to be examined before a grand jury? It is because criminals shall not know what is doing against them, and then make their escape. But even in criminal cases counter testimony is frequently allowed.

If the House should hear what the Judge had to exhibit in his defence, we should be prepared to act intelligibly. The gentleman from New York [Mr. STORRS] had opposed this, on the ground that it would be worse for the Judge; that if this examination was had, and an impeachment preferred, the Senate would be bound, by the force of public opinion, to convict. That gentleman would surely let the party judge for himself. If he judged wrong, he must abide the consequences. It appeared to him a very strange doctrine, that, after a full examination here, and an impeachment found, the Senate would be bound to convict. In the case of the Vice President, and in the case of Mr. Crawford, witnesses were examined on both sides. Both these gentlemen were charged with high misdemeanors, and the charges had been preferred in times of great political excitement. The request of the Judge is supported by the whole train of English decisions in cases of a like kind; and he hoped that the indulgence would be granted him.

Mr. STRONG said, that, from the little examination he had been able to give to this subject, he had come to the conclusion that the present proceedings should be strictly *ex parte*, rigidly so. It had been said by the gentleman from Massachusetts, [Mr. EVERETT] that the committee had departed somewhat from this line. It was true that they had deviated from it in a slight degree, but the departure was not such as to warrant the House in taking the other step which was now requested. There was a very material difference between hearing the party accused and hearing his witnesses. The members of the House were not judges to try or to condemn the accused. It was true that the matters in this testimony might not be such as to mix themselves up with party politics; but suppose that it were proposed to impeach a political man of high standing, and that the witnesses were brought to the bar of the House, he put it to every man to say whether the safety of the country did not require that, in such cases, politics should be thoroughly excluded from that tribunal. And how could this be done, but by keeping the proceedings strictly *ex parte*? Complaints had been made that the committee had not reported articles of impeachment; the case had been referred to them for no such purpose; their duty had been simply to ascertain facts. The House did not want even their opinions; it wanted the facts only, and on one side. What the House had to decide, was, whether the testimony did, or did not, contain matter to warrant an impeachment. If it did, then the House would say the party should be impeached, and the next step would be to appoint a committee to frame the articles. These would be reported to the House, and, if they were agreed upon, then managers would be appointed to conduct the trial before the Senate. It struck him that the safest course would be to keep the proceedings as near *ex parte* as possible. Let the report and the memorial go to

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the Committee of the Whole on the state of the Union; let them be printed, and let all the members have an opportunity to examine them. If the House should then decide that articles of impeachment should be drawn up, all would have been done that the accused could rightfully ask.

MILITARY PENSIONS.

The House resumed the consideration of the following resolution, reported by Mr. BATES, from the Committee on Military Pensions, on the 8th of January last:

Resolved, That the Committee on Military Pensions be instructed, agreeably to the President's recommendation, in his message of the 6th December last, to review the pension law, for the purpose of extending its benefits to every soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort, and to report to the House a bill for that purpose; and, also, that said committee be further instructed, agreeably to said recommendation, to report a bill for the relief of all those who were, during the last war, disabled from supporting themselves by manual labor."

Mr. WILLIAMS moved to amend the resolution by striking out the latter clause, expressing his willingness to provide for those who served in the revolution, but not for those of the late war.

Mr. J. W. TAYLOR expressed his sentiments in favor of the motion to amend, and gave an estimate of the number of soldiers of the late war already on the pension list, together with some reasons which induced him to feel an indisposition to extend the provisions of this resolution in relation to that class.

The question was then taken on Mr. WILLIAMS'S amendment, and decided in the affirmative, as follows: yeas, 145—nays, 29.

Mr. BURGESS then moved to amend the resolution by adding the following proviso:

"Provided that any aid thereby intended shall comprehend only such part of the militia as served in the revolutionary war, and were engaged in some distinguished body of volunteers, or were draughted to fill up the continental army and served therein, and that in either for not less than nine months."

Mr. BURGESS stated that it was his object to make the bill definite and practicable.

Mr. WILLIAMS made some remarks in reply to Mr. BURGESS, and in opposition to the motion to amend; and asked for the yeas and nays on the question, which were ordered.

Mr. DE WITT moved the following modification of the amendment, which was accepted by the mover:

"Whether such service was performed during one uninterrupted series of nine months, or at different periods of the war, amounting in the aggregate to nine months."

Mr. BURGESS then made some observations, which were cut short by the lapse of the hour.

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The House having resumed the consideration of the resolution respecting military pensions,

Mr. BURGESS rose, and withdrew his amendment, not wishing [he said] to appear opposed to giving any thing to the militia of the revolution, though, for the reasons he had already assigned, he thought the plan impracticable.

The question was then taken on the original resolution, as modified by Mr. WILLIAMS, and decided in the affirmative by yeas and nays—110 to 39.

STEAMBOAT ACCIDENTS.

Mr. WICKLIFFE submitted a resolution, instructing a committee to inquire into and report some regulation by which accidents on board of steamboats, from the explosion of the boilers, may be prevented.

Mr. W. said, he offered this resolution, because he believed the House possessed the power, and might, by a proper enactment, greatly diminish, if not altogether prevent, the recurrence of the distressing accidents which now so often take place on board of steamboats. Whoever [he said] had read the account of the late dreadful calamity on board the *Helen Macgregor*, must be satisfied that it was owing to the negligence of some officer of that boat. Mr. W. wished to be understood, that the committee would be glad to receive suggestions from any person, or from any quarter, which would assist it in framing an efficient bill on the subject. As exemplifying his object, [said Mr. W.] he would mention one idea: it was to require, that whenever a boat stops for any purpose, the safety valve should be raised. At present it was the practice, for the purpose of saving fuel, to refrain from letting off the steam, regardless of human life.

Mr. WHITTLESEY had no doubt that all the cases of such accidents on the Ohio originated as Mr. WICKLIFFE had suggested, and he approved of the object of the resolution.

The resolution was agreed to, *nem. con.*

BUFFALO AND NEW ORLEANS ROAD.

The House then again resolved itself into a Committee of the Whole, Mr. HAYNES in the chair, and resumed the consideration of the Buffalo and New Orleans road bill.

Mr. ARCHER, of Virginia, rose, and addressed the committee in opposition to the bill. He was by no means surprised at the manifestation on the part of the committee, on a former day, of indisposition to bear with further debate. He believed he might truly say that there was no gentleman on that floor, who, having been so long a member of the House, had been found more abstemious in debate than himself. Old a member as he was, his voice had scarcely been heard during the present session, save in matters connected with the committee to which he belonged. He felt, at all times, indisposition to address even willing ears, much more such as were unwilling. There were occasions, however, on which a public man ought not to be restrained, by minor considerations, from expressing his views of important public questions. He considered the present as an occasion of this description. It was his sincere belief that there lay at the root of the present discussion considerations which ought to be stated—to be stated freely—more, to be stated boldly. His capacities for public services in any mode, he estimated as humbly as any man could do; but, as regarded its responsibilities—in these, whilst taking a part in this service, he could permit no man to go before him. He should feel as representing unworthily the State from which he came, if he did so. That State had been accustomed to claim a place behind no other, in the necessary assertion of truth here. He feared that, on the present occasion, however, the palm must be yielded to another State—to New York. He had been both struck and gratified by the tone exhibited by several gentlemen from that State, [Mr. MONELL, Mr. ANGEL, and Mr. STORRS] on the last day of the discussion. New York had only to exhibit, on all occasions, a similar spirit of uncompromising disinterestedness, in reference to the legislation of this Government, and she would indeed deserve the appellation of great, which it was becoming fashionable to bestow on her: for a State, like an individual, could be truly great but by one mode—the practice of a real public spirit. More than one gentleman from that State had given, on the occasion alluded to, what he [Mr. A.] feared was a just view of the question. The committee had been told truly, that the question was not of the construction of a road, but of the erection of a great policy, of which the bill was designed as the foundation. Of this policy, the road had been called the pioneer; and the appropriation demanded for it, the

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earnest-money of a wide extending plan of wasteful and selfish dilapidation of the public treasury. Into the justice of these representations, he meant presently to inquire. He must be indulged, in the mean time, in a word of exhortation to the gentlemen from New York, to whom he had allusion; and that was, to remain of good heart, even though their apprehensions should be verified. A predatory and privateering legislation might unfurl the flag of this system of internal improvement, and all would still be well, if their great State would ride by the side of the South in the battle, and partake cordially in the war, for the preservation of the resources and purity of the Government.

The question, then, was on the foundation of an extensive system of the construction of roads by this Government. Not on the system in its fullest extent, however. It was admitted to be confined by a character of nationality in the works to be adopted. Mr. A. had no intention of going into the constitutional question brought to view by this remark. He hoped he had too just a taste, to allude to any subject out of place; and it would be out of place to allude to the constitutional question in this place. Till some force of eloquence, like the fabled power of music in ancient times, could be found to awaken the stones around, and bring the dead from the regions of darkness to light, let no chord of that discussion be struck. Till that time, let it lie by the wall. The General Government was empowered to make roads of a national character. This was the ground assumed. This requisite of nationality, it was impossible, in speculative reasoning, to deny. How far the condition had been heretofore, or was likely to be observed in practice, every man was aware. Let it be supposed there were no constitution in this Government, and yet the complete system of State Governments subsisting with it. Would its jurisdiction even then extend to a concurrence in every function of the State Governments? Who could be so absurd as to suppose it? Who did not perceive that the States were, at the same time, separate jurisdictions, and parts of a general jurisdiction; and that there must be functions appropriate to each, and exclusive respectively of either, or why the superfluity of a double establishment of authorities, and, worse than the superfluity, the mischief, as they must be perpetually in conflict with no line of demarcation? It would be the inevitable conclusion, therefore, that there was an appropriate province of jurisdiction for the nation, as for the States; and when any function was presented for exercise, or act to be performed, the proper inquiry would be, to which of these must it be assigned? By what test was this to be decided? Obviously by the purpose and use of the act or function. If the results and use were to be national, then the function belonged to the authority of the nation, and not otherwise. The use, then, was the test. The application of this test neutralized the entire force of the argument of the gentleman from Pennsylvania, [Mr. HENRILL] by whom the bill had been introduced. That gentleman had contended that the extension of a road into more States than one, of itself, conferred on the road the character of nationality. But if it was the use which gave its nationality, then the mere extent of the road was entirely immaterial. A road of half a mile from a fort might have this character. A road passing through every State in the Union might want it. The truth of this remark was apparent. If the mere extension of a road made it national, as no road passed to the frontier of a State without the certainty of finding another there to meet it, every road to a frontier must be national; the principle, from which this conclusion was fair, proved too much, and must therefore be rejected. It was equally a mistake to maintain, as the same gentleman had done, that, in order to the construction of an extensive line of road by the States, it was necessary there should be compacts between the States engaged in the construction.

Where was the necessity? If a road made to the frontier of one State met another passing to the frontier of the State adjoining, there was no need of State compacts; yet it was upon this supposed necessity that the argument alluded to rested for its support.

It was the use of a road which constituted the test of its nationality. What were the uses supposed to be of this character? Three were claimed—war, the mail, and commerce between the States. The conduct of war, the transport of the mail, and the regulation of commerce between the States, were uncontested national functions. Subservience to either of these, therefore, constituted a national use of a road. The question now, it was to be remembered, was, not on the authority to construct roads for these uses—that, as belonging to the constitutional inquiry, was a point passed by; it was on the policy, the advantage of instituting a general system of roads, or of the construction of this particular road in the bill. Did either of the national uses mentioned, or all of them, demand either the general system or this road? These were the points to be considered. And, first, of war. This was a national use. The nation might make roads for war, if, and so far as, their exigency demanded. And what was the character of this exigency? Its extent? The exigency was to measure the policy, to determine the propriety, of the particular road. Did this exigency demand a wide spread system of roads—(not in time of peace only—even in time of war. The particular road would be noticed presently.) The exigencies of war, in this respect, were not only extremely limited as to space, but occasional only, and of uncertain and temporary duration. Could such exigencies found an extended system of roads—sustain a general policy in this respect? The exigencies of war, in particular circumstances, demanded the condemnation of private property—that the suburbs of towns should be burnt. Would this justify a general policy of condemnation of property and burning the suburbs of towns in time of peace, or even in time of war, before a special case of the exigency arose? The argument was the same as to roads for war. The function was limited to the concurrence of the exigency, and measured by its extent.

Then, as to the mail and commerce. Was any man found affirming that roads ought to be made for the mail merely, supposing this the only use for them? No one asserted this proposition. Every one would disclaim it. Then there was an end to the suggestion of the mail exclusively furnishing the foundation of a general policy of making roads.

Next, as to commerce. The function claimed for the general authority in this respect, was to regulate commerce. Was not the construction violent, which converted a power to regulate, into a necessity to make roads for commerce? Pass this by, however, as approaching the constitutional question. Subservience to commerce between the States was a national use. Did it require the construction, in policy, (for that was the question) of roads for this object, where there were none previously to be found; that is to say, were this fact proved, there was no occasion for them? If there were occasion for roads, there would have been roads; or, if there were none in particular directions, no evidence could be better, that they were not demanded by the exigencies of commerce—the discussion now turning, not on the improvement of roads, but the policy of constructing them. The system found them, not a real warrant, but a color and a name only under commerce.

Mr. A. would now advert, [he said] in the way of illustration principally, (the question engaging real interest relating to the general policy,) to the character of the particular road which the bill presented. He should touch this point very briefly, as that which had been most discussed. If, as the opponent of the general policy, he had been called upon to state a case to expose it, he did not

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know that he could have selected one more favorable than the present. A road from the city of Washington to Buffalo, national and necessary! Why? Because the mail has its centre of emanation at the seat of Government, does it follow, that munitions of war, and troops, and the course of commerce, must emanate from the same point? Commerce demanding the construction of a road from Washington to Buffalo! What proposition could be stated more ludicrous? The course of such a road would be transverse to all the commerce intervening between these points. Gentlemen designed to take from us all merit in defeating their system, when they rested it on such projects. Where were the terminating points, and of course the tracts and directions of war and commerce? Along, and at every part of the seaboard frontier and the northern! Every road leading to either of these destinations, was, or might be, subservient to these uses. Had either branch of the road in discussion a termination in one of these frontiers? Both branches had; but both at points the most remote from the centre whence they were made to emanate, by routes the most indirect; diagonal to the tracts which commerce does, or war or commerce may be expected to pursue. Desirous to avoid detail, Mr. A. rested on the statement of the general incontrovertible proposition on this point. If the mere fact of a road terminating on a frontier made it national, all roads with that termination were of this character. How many points were there in the northern frontier, of less importance than Buffalo? Was Buffalo the chief point in relation to military operations during the late war? Were there not points of superior importance higher up, and a large extent of frontier lower down the lakes and the St. Lawrence? Why not all the roads on this frontier be comprehended in the principle set up? Mr. A. insisted that they might. He affirmed the principle in its full extent. The only advantage of Buffalo, in relation to supplies of military munition or commerce, was, that it constituted the point of termination of the longest of the New York canals, forming the obvious and best channel of communication through the States from the seaboard; and of course superseding the necessity for a road terminating at the same point.

Take the southern section of the road. Having its course through the centre and heart of the interior, it could have relation to war at its extreme point only, New Orleans; to which the proper and most available channel of supply of every kind was found in the never-failing and rapid current of the great stream on which it stood. Where tributary streams did not present themselves, or were deficient in water, the roads of the superior and supplying country determined principally to this natural channel. Were other points of the seaboard threatened, the course of transportation would be across the route of the proposed road, which approached the maritime frontier in a line converging, and not direct. The error of ascribing to either section of the road an important office in regard to war or commerce, proceeded from considering Washington as an issuing point of either, as of the mail. This was a fallacy, yet the sustaining principle of both branches of the road. The streams of defence or commerce had Washington for their source, no more than routes transverse to the direct approaches of the northern frontier or seaboard for their tracts, or single points, on these borders for their termination. The supplies of either would have reached their destination, in time to have accomplished their purposes, before the laggard course of this road could be traced.

His purpose to this point had been [said Mr. A.] to strip the system he was combating of unfounded pretensions. The value of internal improvement by roads, it was to be remembered, formed no part of the question. The question was, whether this Government should assume the function of making them. If it did, the benefit repre-

sented was, that another agent, with its funds, would be added to the States. But this benefit would be realized to a very partial extent only. Why should the States apply their funds to the object, after it had been settled that the General Government had taken on itself the office? Would not the States, in prudence, wait for the action of the General Government, and expect their improvements from its funds? There was but one consideration to prevent—that the General Government was to be limited to works national in their character. But that this limitation would be nominal merely, we were already instructed by the highest information of experience. The question was, therefore, not so much whether the General Government was to be added, as whether it was to take the place of the States in the office. The inquiry was not of a gain, but a substitution of an agency for others. And which of these functionaries, the General or State Governments, was the better fitted for the conduct of operations of this kind? Why was it admitted universally that an individual, or body of individuals, were better qualified than any Government, or than any corporation even? And a corporation better than a Government? All consent to the fact; and why? The proposition is established in reason, as well as experience. The more general and remote an authority, the less its qualification for an executive function of complication or detail. It must be so, in the nature of things. The superiority of the resources of the General Government was suggested, however, as the counterpoise to the admitted force of this objection to its energies in the policy of internal improvement. But why and whence this superiority? The common fountain of resource is the pockets of the people. If the General Government had any superiority of resource, then it had only to remit taxation beyond the demand of its peculiar and proper occasions, and the superiority disappeared.

An advantage not inferior was claimed for the General Government, as regarded the modes of raising money from its exclusive control over imposts, which were considered at once the most prolific and accessible of the sources of revenue. What was the real advantage of this, over the modes of direct taxation? It would be found to consist in the operations being covert, and the contributors not knowing what they paid. That is to say, the recommendation of this mode of raising revenue was its delusion—that it cheated those it fleeced. He would not [said Mr. A.] affirm it to be desirable that the General Government should be divested of this resource. It might be indispensable in war, when all resources were demanded; or in debt of large amount, which war might leave behind it; or occasionally as an arm of defensive; countervailing, commercial regulation. But when demanded by no imperious consideration of one of these classes, he did affirm, as his deliberate opinion, that the suspension of its exercise would be attended with decisive advantages. A federal Government was too remote from the people, and wore to their view too much the aspect of an unrelated Government, to be supervised with the rigor which, more than any other, it demanded. It was of peculiar importance from this cause—that, as regarded its modes of raising money, there should be no disguise; and of application of it, no extraordinary liability to abuse. Duties were a disguised mode of raising money, and internal improvements a mode of application of it, in the highest degree open to abuse. Why this last? Because works of this class demanded large disbursements, continued for long periods, and in complicated forms. Disbursements in these circumstances invited the attempt at abuse, and facilitated success. Because the operations which works of internal improvement required, were of a nature which, from their difficulties, removal from common knowledge, complexity, and the number of persons and extent of agency demanded, did not rea-

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dily admit economy, and did readily admit infidelity as regarded both their execution and management. The General Government derived, therefore, no recommendation for the office of internal improvement from its peculiar control over imposts, more than from the nature of the function to be exercised.

A further recommendation of the prosecution of internal improvements by the General Government, had been urged, from the supposed tendency of this policy to introduce affinities of intercourse and interest between quarters not otherwise intimately related; and, in this manner, to exert an influence conducive to the harmony and cement of the Union. There could be no higher recommendation if it were well founded, certainly.

But was any influence of this auspicious character to be justly ascribed to the operations of the policy? Was not the real influence exactly the reverse? The different quarters of the Union had very unequal occasions and demands for works of internal improvement. Some had accomplished, or nearly so, their whole occasions of this description. Would a spirit of concord be diffused in these quarters, by the spectacle of large and continued appropriations in modes in relation to which they had no participation of interest in the objects or in the disbursements? Was a patient condition of feeling in these circumstances to be expected? Jealousies and discontent—would not the occurrences of these be inevitable? This was in the supposition of honest administration of the system. But how strong were the inducements to administration of an opposite character? Discontent would have to be appeased or repressed! By what methods? By gratifications to lull, or interested combinations to stifle, their expression. Where, too, was the limit to this evil in degree or time? Such a system prove a source of harmony! A cement to the Union! This was estimating the operation of scrambles of interest very strangely! Not harmony, but excitement, open or concealed distrust; and under outside amity, smothered hostility—these were the fruits. An extensive system of internal improvement in the name of harmony! The cry would indeed be “peace, peace, when there was no peace.” No! Such a system would prove, eventually, as fatal to the harmony as the purity of the Government. The Union would not break—that would imply a remaining solidity of consistency—it would dissolve under this influence; for rottenness does not break, but loses its coherence of parts from loss of the principles which cemented them!

But waiving other objections, supposing the policy good and wise, have gentlemen familiarized their minds—he might say, their nerves—to the complication of parts the system will involve? If this Government have roads, it must have supervisors of them. This very road will demand a number. The thousands which will be made to connect with it—the tens of thousands of which the principle which gave this birth will be prolific, what armies of officers must they call into being? Where is the complication of this system to have its end? Where the patronage, to call it by no harsher name? Were Congress converted to a board of public works, where would room be found for this new office? The Executive employed in its function of appointment, would not his hands be filled?

But, furthermore, the roads constructed must have provision for their protection. They cannot be left destitute in this respect, as the history of all roads of expensive construction proved. But the office of protection, it could not be confided to State regulation. This might be inadequate, or in its exercise remiss. A State might have no interest opposed to a road being placed in a condition to demand repair, or even a direct interest of reverse character. It might be jealous, moreover, of the competition of federal roads with those constructed by its own citizens or authority. There must be safeguards against all these contingencies. It had been decided in the courts that

State authorities could not be compelled to give effect to the laws of the United States. They might assume and exercise this office, but it was optional. This option, however, had reference to laws of civil character only. As regarded those of penal character, it was uncontested, that the State courts could not have jurisdiction given to them, though they should be willing to exercise it. It would be an anomaly, said the lawyers, for one political authority to execute the penal laws of another. But the regulations required for the protection of roads demanded penalties. They could consist of little else than the denunciation and enforcement of penalties. In proportion to the multiplication of roads, these would have to be augmented, not in number only, but severity also. The States were precluded from the office of their enforcement. What remained? This Government must have a system of road police of its own, courts, and officers, and force. Its present paraphernalia in this respect would not suffice. Its courts and officers were too few, at distances too remote from each other, and from the scenes in which they might be called to act. These distinct judicatures and officers must be established for this special purpose, and provision made for the maintenance of their authority. And all this complication of arrangement was to be encountered—for what? For maintaining this Government in the exercise of a function, to say the least, demanded by no necessity, as the States could perform it very well, and for which, for the very reason that it is the General Government, it was wholly unfit.

Such was the character of this policy of internal improvement, to be executed by the Government of the Union! And now the question naturally arose, [said Mr. A.] in what manner it had happened that the policy had not only been proposed, but to no inconsiderable extent adopted and carried into practice? He was brought to this view of the subject, little agreeable, but most important. It had happened, by a peculiar coincidence, that the French revolution, the parent of so many important consequences, had its birth in the same year with the constitution of the United States. The agitations growing out of this event, it was known, had given the fullest employment in attention to external relations and interests to the Government with which we were most connected, and our own. Small scope remained for attention to subjects of mere interior concern. This state of things subsided with the general peace of 1813. This subsidence, in its general character and aspect so auspicious, was attended, however, with an incidental effect of most injurious operation. It led in this, and most of the European States, to the adoption of what is known as the protective, or tariff policy. He was not going into any discussion on this point, however invited by the allusions of the debate. Why? When so many, his superiors in judgment, retained the excitement which perseverance in this policy, here, had awakened, why was he calm and at ease, though partaking entirely the reprobation of its principle and operation? It was from the conviction that, in a free State, truth and public interest must eventually vindicate themselves. He had, therefore, no question that this policy must eventually frustrate itself. His belief was undoubting, that in a period which he hoped would not be very long, many who were now most forward in pressing and maintaining this system, would be ashamed to avow they had been its friends. We had some foretaste of this result at this session, in the invincible repugnance which had been manifested over and over again to bring the practical operation of the system under discussion. The time would come, and probably before the discussion would be permitted, when there would be nothing remaining to discuss. To return to the subject, however, the best and most beneficial institutions were never found exempt from a mixture of evil operation; nor was our excellent federal system exempt from this common law. The subsidence

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of the excitements growing out of a general state of war, by general peace, had left Government, here as elsewhere, room for the exercise of its energies in interior operation. Government could never be sufficiently imbued with the important truth, that its greatest evil was over-action; nor men get rid of the belief in which they were bred, that they were to regard its operation as the positive source, and not merely the guardian of their prosperity. Its proper beneficial province was, in preventing intrusion—keeping hands off—its own as well as the hands of others—from individual exertion and its fruits, which formed the real sources of all public as well as private prosperity. If he were called upon to state what had been pre-eminently the curse of human society, he should say too much government; and that produced, in a great degree, by the epidemic frenzy of believing that its operation was an active principle of prosperity. Our federal system was liable, in a peculiar manner, to mischief from over-action. From the vast and varied extent of surface it supervised, it embraced necessarily an unusually great diversity of interests—so great as in instances to become inimical. This must, of course, happen in a greater degree, and there would be a greater warfare of these interests under a federative system than any other. Contiguous interests were little disjointed or easily reconciled. Not so of the remote. To what did this lead? It had been said, in relation to religious sects, that their diversity and multiplication were the safety of the State, because, if any one aim at ascendancy, the others will be in activity to arrest it. But this remark was not transferable to interests of social character. It was true of religious sects, because it belonged to their nature to refuse coalescence, and the more violently as they approximated accordance in their tenets. The observation had held, over the whole world, in every region; but social interests observed no such law, and, least of all, under a federative system. They are widely dispersed, moderated by none of the affinities which neighborhood engenders, even among opposing interests. Each seeks its gratification. How are they to attain it? There was but one mode of any extensive success; and that was by the coalition of several, making the weak strong, and the strong safe. This mode had the advantage, besides, of extenuating responsibility and shame. Men were emboldened to do what, without this principle of support, they would hesitate to avow to their own thoughts. The principle itself was of inevitable operation in our system. Take that one of our public concerns which, in point of interest, had come nearly to absorb every other, as an illustration—the election to the Presidency. How much had this to do with merit in the candidates? Every body knew that was of subordinate consideration. No man, in a sphere so diffused, by personal merit or qualification, (excepting always the influence of revolutionary service, or some signal achievement,) could command a popularity sufficiently general to ensure success! Why? Every quarter had its pretender, limiting the circle of pretension of every other. How was any to obtain the goal, in the jostle of movements on the common object? It was only to be achieved by combination of countervailing or separated pretensions, till a predominance was created. The lever of some powerful motive must be set at work to roll the logs together, till the pile was raised to the required elevation. Did he mention this in any way of stigma to individuals? Not at all. He stated it [said Mr. A.] as an inevitable infirmity of our form of Federal Government. The thing was not so by accident or occasion, but necessity. So far from quarrelling with what was inevitable, for one, he was disposed to turn it to account; for there was no form of evil from which good might not be extracted for its alleviation. He was willing now—at any time—he avowed it—to go into coalition in relation to the election for the Presidency. Not for a man—he was done with solicitude as related to particular men. Of that folly he was

cured completely. He only wondered how he could ever have fallen into it. Individual men, with very rare exceptions, must submit to the control of circumstances. Operating for an object so alluring, what policy could they be committed to, which would not bend to that which was personal—the extension of connexions—the debilitation of rivals—the advancement of pretensions. He mentioned this as no peculiar reproach. The thing, he repeated, was inevitable—must be so. Although he was ready and ripe then for coalition, in reference to the Presidency, it should not be on the pretensions of any individual. But if a candidate who promised to bring weight to the election stood committed by position, not profession, (for that he should have little value,) to vindicate interests and principles which he [Mr. A.] considered as suffering injustice and oppression from the present operation of the Government, for any candidate in these circumstances, he was willing to go into confederacy. If any candidate standing in this commitment promised strength to tear away this parasite tariff, which wound around the trunk of the Union to suck out its vitality, for this candidate he would go into coalition. If any promised weight to sink this picaroon policy of internal improvement, for him he would go into coalition.

He had been led [said Mr. A.] into this course of incidental remark in the way of illustration. Having no personal interest to serve or injure, it was no merit that he spoke with unreserve. The proposition he wished to inculcate was this, that coalition among special interests, embraced by our wide extending system, to obtain ascendancy at the expense of others, or the general interest, was an inherent evil of the system, the qualification to its otherwise transcendent excellence. In the theory, the strength and counsels of all were to be combined for the safeguard of each; but the operation did not correspond to the purity of the theory. It was this circumstance that furnished the key to incidents which had given so much occasion to surprise in our proceedings here. The smallest sums of money would sometimes be denied to the most essential public service, and the most prodigal grants made the same day, in lands or money, to schemes having obviously only doubtful or inconsiderable claims to favor. The solution was no secret to persons familiar with the scene. The disbursement in these cases furnished the motive, was the benefit contemplated, not the nominal object to be effected. Let the pension system be an example. This system, as regarded the selection of subjects in reference to indigence merely, was said (he believed truly) to have had its origin in a mistaken estimate of the numbers it would comprehend. Unceasing efforts were made of late, notwithstanding, to enlarge its comprehension. Had these efforts any connexion, as the aspect imported, with zeal to provide reward and relief for revolutionary service? No one was imposed on by pretence of this kind here. The real inducement was known to stand in contrast to any impulse of enthusiasm or generosity. It was a simple principle of pecuniary calculation. The purpose was to transfer a heavy poor rate to this Government, from quarters in which the burden pressed unequally, if each sustained its fair proportion; and then, by extension of principle, to augment to the utmost the benefit from the disbursement. There were, of course, exceptions, and a mixture of motive, but this was the leading one. A bill had passed one branch of the Legislature, at this very session, to enlarge the limit of indigence entitling to relief, to one thousand dollars—a sum which would be regarded as independence for the body of the population anywhere else, though it constituted legal indigence with us. If the extension had been proposed to a larger sum, within any boundary that would not threaten counteraction from public indignation and shame, the success would have been no less unequivocal.

The expenditures for fortifications illustrated the same

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course of remark. They had amounted to a large sum, say nine millions of dollars. Yesterday, a very moderate addition to the appropriation for arming, that is to say, rendering really effective and ready for use such as had been completed, had been refused by a large vote. There was no extensive interest engaged in the founding of cannon. The benefit from the disbursements for fortifications had been widely diffused.

What, then, [inquired Mr. A.] was the real evil principle of our General Government? It was, that the national treasury came unavoidably to be regarded in a foreign rather than domestic aspect; as something different from the State treasuries; and that combinations would be in perpetual generation or activity to subject it to contribution. His colleague [Mr. BARBOUR] had opened this view. He would take occasion to give it expansion and development. It was inevitable that the disbursements of the Government should be distributed with great inequality. The largest grew out of the public debt. The debt would accumulate with the accumulations of capital, necessarily; that is to say, in the region of commerce--on the seaboard. The naval expenditures, and those purely commercial, must follow the same course. The same frontier presented the quarter most demanding preparations of defence. The disbursements of a military character, therefore, whether for fortifications or the maintenance of troops, must, a large portion of them, seek the same direction. The seaboard must be the scene of the larger expenditures of the Government--the region to profit by their direct influences. Not the whole seaboard, however, in equable proportions. To the south of Norfolk, in Virginia, ports occurred at remote distances, and not in circumstances favorable to the attraction of the Government disbursements. The direct benefit of these disbursements must, therefore, be realized unequally, even on the seaboard. The interior and extreme West were nearly excluded from participation of it. Did he state this in any way of censure or arraignment? Not at all. This course of things was inevitable. The revenue, however, presented a very different history as regarded the source of its supply. The great mass of it was derived from the duties on imports. The exports furnished the imports; agriculture furnished the great mass of the exports. It was taxation on agriculture, therefore, that supplied nearly the entire amount of the revenue. It was, in a peculiar degree, too, the character of agriculture to consume the whole amount of its production; and the market for it being chiefly foreign with us, the great mass of this production paid contribution to Government in the duties on the returns procured by its exportation. A much larger proportion of the revenue of agriculture sustained this burden, than of other occupations. Much of that of commerce was derived from a further charge on agriculture; and manufactures had not yet obtained external markets to a considerable extent. Whilst, then, the commercial portion of the community, constituted chiefly by a part only of the seaboard, received the larger proportion of the revenue of the nation, the agricultural and interior paid nearly the whole. Could this inequality fail to be felt with sensibility? That was not to be supposed; and this sensibility was becoming the germ of the most menacing evils. The quarters which received most liberally from the public disbursements had the appetite for them whetted, not gratified. The parts which received nothing, or the least, anxiously sought indemnity. How was this to be obtained? By swelling disbursements in their own direction beyond occasion, or creating them when not required. Sympathies of artificial character tended, in this manner, to distend and multiply the expenditures of the Government. Disbursement became a thing good in itself, *per se*. Not one, but many interests were engendered in public prodigality; and, what was worse, these interests ran inevitably into combinations for mutual susten-

tion; that is to say, into that state in which factitious strength was acquired, and restraining shame was removed! Profusion, on the part of the Government, was rendered an interest to be nurtured and protected by the proper guardians of the States, in the focus of its safety, its halls of legislation! And how nurtured? How protected? Nurtured in corruption! Protected by audacity! And where was the chief channel of this profusion, and main organ of its introduction as a system, to be found? The fact was notorious, [said Mr. A.] and his should be the voice to resound it through the land, this channel and organ were to be furnished by an extended application of the policy of internal improvement. This, this *in hunc convertite itum*, was the forehead on which public reprobation ought at once, and deeply, to burn its stigma for scorn to point "his unmoving finger at."

Reverting to this topic, one thing there was [he said] remarkable about this business of internal improvement, that, even in circumstances the most favorable, and in regard to projects the best conceived and executed, it was found, in a calculation of cost and profit, to prove a losing business. It did not make returns conformably to the average of ordinary pursuits on the capital invested; and this, with inconsiderable and not frequently occurring exceptions, was the just test in regard to the public, no less than individuals, of a good or bad business. Its capital was the source of the wealth of the nation. Whether employed by the public or individuals, if any portion did not return the ordinary and average rate of interest, the investment must, in the general, and excluding from view peculiar circumstances, be regarded as injudicious. Of the fact of the inability of even the best devised and most valuable works of internal improvement to sustain this test, very remarkable and entirely authentic evidence had just been furnished in New York. He referred to a report of the canal commissioners of that State, made the past winter, in answer to a call of the Senate. The canals of the State, it appears, not only did not reimburse the annual expenses and interest on the capital disbursed; it was made a question whether, by any augmentation of tolls, they could be made to do so. If improvements, giving the largest and best founded promise, executed on the best terms, pervading an extensive and rich country, (he had seen and could vouch from his own view,) commanding the transport of the products of a large part of a continent--if improvements, in these circumstances, marked by a distinction so peculiarly favorable, were found to fail, under the common test of judicious investment, what was to be said of all others inferior in pretension, and, yet more, for a general system spreading every where, and embracing every description as well as variety of projects?

In New York, a question was agitated, not merely of the propriety of taxation, in aid of the proceeds of the canals, but of a character yet more calculated to produce disturbance. It related to the confinement of the taxation to the tracts more immediately benefited by contiguity to the canal, instead of making it a general burden on the State. The temper which must grow from a discussion of such a character was easily appreciated. Yet this was the system, failing under circumstances the most favorable to pay, and threatening, even in the contracted and homogeneous sphere of a single State, to create disturbances, which was recommended as a bond of concord, as well as a source of profit, in a political community, contributing in different proportions to its expense, and deriving unequal advantages from its operation! Neighboring interests, which, when not intrinsically related, ran into easy reconciliation, were thrown into jar by it; yet its tendency to harmonize interests remote in position, and dissociated by character, was a principal argument in its support! Such was the logic which self-interest employed, when disposing of other interests, or those of the public!

Truly, [said Mr. A.] the best ground of vindication

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on which to place such a system, was that which had been in effect assumed in the debate, and formed the real inducing consideration, its tendency to equalize the disproportionate and unfair disbursements of the Government, as regarded the different quarters of the country. He really esteemed this principle of defence as colored with the most plausible show of reason and fairness. The gentleman from Tennessee, [Mr. ISACKS] with honest frankness, had stated this as a leading consideration in its support. He [Mr. A.] did not refer to the declaration with censure, but commendation. It proved, what he knew of this gentleman well before, that he was of too manly a character to refuse the avowal of a motive on which he was willing to act.

[Mr. ISACKS explained. He had indeed adverted to the expenditure of the public money in the West, as one beneficial consequence attendant on the proposed measure; but he never insisted on that as the primary consideration which induced him to be its advocate.]

Mr. ARCHER resumed. He was willing to trust to the considerations he had been stating, for evidence of the true character, both of the general policy and particular measure. But if the equalization of disbursements were to be admitted as any part of the inducing consideration, then he asked whether this principle might not be expected to lead to a careless selection of routes for roads, and an equally careless construction of them. Would not the temptation be strong to remissness, not to say abuse in the exercise of either function?

But this whole policy of internal improvement was itself but a part and an instrument of a further and larger, covered by a fair name, "the distribution system." Internal improvements supplied, though a large, yet only a partial waste of revenue. This "distribution system" was designed to comprehend the scattered streams into a current which should discharge the entire reservoir. Trace the principle in its relation to its first object, the public lands. Particular States had ceded to the General Government large tracts of territory. If the principle of this policy of distribution were just, then after these cessions, on the very day in which they had been made, aye, in the same hour, and before the ink of the signature was dry, it had been in the competency of the General Government to cut up the property among the States, returning their ratable shares to the proper owners. Was there a sense of justice so torpid, as not to be awakened to indignation at the statement of such a proposition? And yet if it were competent to the General Government now, it was equally competent then, to perpetrate this insolence of injustice; this proposition, coming, as it did, from a quarter in which no cession of lands had been ever made, might be supposed to labor under some defect of modesty. It stood entirely acquitted, however, upon this score, by comparison with another having reference to the same subject of the lands. He alluded to the claim advanced recently in some of the new States to the property of the whole of the public lands comprehended within their respective limits, as a result of the character of sovereignty which the United States had conceded to them, with this very condition annexed, of the reserve of this very property. A relation of war between States exposed to seizure and forfeiture the property of either within reach of the other. A relation of the closest amity of incorporation into a common political community, operated the same effect, according to the principle of the doctrine alluded to.

The distribution system, in relation to the final object of its grasp, the surplus revenue, as the first, the public lands, presented the same character. The distributable portions would be restored by a varying rule; and in different proportions, therefore, from those in which they were received. In the instant in which they were obtained by the one rule, they might be restored by the other, and the same parties receive more or less than they had

contributed. Was not the inducement, then, decisive to derive revenue, to tax, for no other purpose than to distribute? What was to obstruct? or where was the limit to this sort of operation? The quarters deriving unequal advantages, would they not sustain each other? If it were one of the recommendations of internal improvements, that they operated to equalize the disbursements of the Government, here was an operation of an efficiency yet more extensive, by which more essential inequalities might be redressed. Were different quarters of the country in different conditions, as regarded pecuniary resources and wealth, from variety in the character of their products, the forms of their industry, or other causes, here was an engine of easy application for introducing a republican level, by the direct transfer of the redundancy of some parts to compensate the deficiencies of others. Where was the stopping point to men who could contemplate a policy founded on such a principle? And what must the men be who would submit to its exertion on them? A large proportion of the national revenue was derived from the labor of slaves. Two-fifths of these would not be counted on the proposed principle of distribution; that is to say, their owners, and, through their owners, themselves, would be excluded, in this proportion, from participation in the fund raised from the fruits of their own industry. This system had been proposed—much argued—was almost certain to be fastened on us. We were destined, if it were, to realize the misadventures of Sinbad, the famous sailor, (with whose story we were so familiar in our early days,) when he encountered the old man of the sea. The monster mounted on his neck with a pressure which no effort could shake off, and rode him with a remorselessness which no powers of endurance would long have been able to sustain. Sinbad contrived, by intoxicating the incubus, to destroy him. The case we were likely to present, was in every respect correspondent—the infliction no less remorseless—the relief no less hopeless, unless the drunkenness of triumph should unlock the death grasp from our necks, and assist us to tumble the oppression from its seat. Sir, I have been asked, [said Mr. A.] in relation to this road, whether, as my State denied the constitutional authority on this subject of roads, she would not prohibit the construction of the part which fell within her limits. I have invariably and promptly answered no! for that would be to resist the laws of the Union. I have been asked, whether we would not resort to the nullifying doctrine, so much spoken of lately. My answer, with equal promptitude, has been no! for that would be to refuse obedience to the laws of the Union. Virginia, while she feels with the keenest sensibility the irregular exercise of authority by this Government, of which she complains; while she continues, as she has ever been, foremost in vigilant and strenuous interposal to arrest all exercises of similar principle, will afford the spectacle of precedence, too, in endurance and in patience; whilst evil is sufferable, she will suffer; pursuing in the mean time her true doctrine of '98, to use every effort short of force or disunion, "to arrest its progress." She did not relinquish the hope that the time would never come, in which she should be driven to resort to any doctrine of character ulterior to this. If it did come, she would make this resort in sorrow. She invoked the sense, not of justice only, but, stronger, of superior benefits and real interest, to subdue the spirit of combination for peculiar advantages, which was the evil genius of our Federal Government. And, as the instant evil was the first to be regarded, she prayed heartily as he [Mr. A.] did, that sinister omens might be averted; and this policy of internal improvement might not be made the instrument to wrench to pieces a frame of polity inexpressibly admirable; which formed the fortress, not only of our safety, but of the hopes, and the cause of freedom, in all time, and through the world.

[Here the debate closed for this day.]

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Judge Peck.

[APRIL 7, 1830.]

WEDNESDAY, APRIL 7, 1830.

JUDGE PECK.

Mr. PETTIS obtained the leave of the House (by a suspension of the rule, 101 to 40) to offer the following resolution:

Resolved, That James H. Peck, Judge of the district court of the United States for the district of Missouri, be permitted to make to this House any explanations he may think proper, in answer to the charges preferred against him by Luke E. Lawless, Esq., which charges have been reported on by the Committee on the Judiciary.

Mr. P. said he moved this resolution in pursuance of an intimation which he gave the other day when he moved to lay Judge Peck's memorial on the table, to try the sense of the House in granting Judge P.'s request. He thought the indulgence proposed was a matter of justice to the Judge; that there was no precedent against it, as he had examined the authorities as far back as 1640.

A long debate ensued on the resolution, and on the modifications which were proposed to it, in which Messrs. STORRS, of New York, BUCHANAN, DODDRIDGE, DRAYTON, RAMSEY, CLAY, MARTIN, PETTIS, SPENCER, of New York, ELLSWORTH, HUNTINGTON, BATES, and BURGESS engaged. In the beginning of the debate,

Mr. MARTIN moved to strike out the word "explanation," and insert "any respectful written argument upon the law and matters of fact now in evidence before the House;" and after some time, to get rid of the debate,

Mr. PETTIS accepted this modification, and inserting further the words "or oral" after the word "written."

Thus amended, after an unsuccessful motion by Mr. DRAYTON to strike out the words "or oral," the resolution was agreed to without a count.

[The publishers give below, as far as they have received it, the debate on this subject.]

Mr. PETTIS, having offered his resolution, remarked, that he had examined all the precedents on this subject which he could discover, and there was no instance among them, in which a request, like that which he had made in behalf of Judge Peck, was denied. He adverted to the case of Lord Melville, and in truth to all which had occurred since 1640. He confidently hoped the privilege solicited would be freely accorded by Congress.

Mr. DODDRIDGE asked how many days it was supposed the Judge would require to prepare his defence. The time of the House, at this season, was peculiarly precious.

Mr. PETTIS supposed he would be prepared by Monday next.

Mr. STORRS, of New York, inquired whether it was anticipated that the Judge intended to submit to the House any thing more than points of law and matters of fact, appertaining to the judicial proceedings complained of.

Mr. PETTIS replied, he believed these were all that was to be expected from him.

Mr. ELLSWORTH observed, that the objection urged by the gentleman from New York [Mr. STORRS] applied to the amendment as much as to the bill. We have no constitutional power to pass this amendment. We are only to inquire, and, if we see cause, direct an impeachment. Upon the merits we cannot act definitively; besides, we might do Judge Peck great injustice; he has yet had no opportunity to defend. Mr. E. said he was in favor of the report and the resolution as they came from the committee. When the papers in this case had been presented to the Judiciary Committee, he had read them again and again, with the greatest anxiety; and it was with the utmost reluctance that he came to the conclusion at which he finally arrived. He felt that it was a grave thing to put a judicial officer of this Government to his trial for

his character, his office, his subsistence, and, in a word, for all that is dear to humanity, and to make the last and most sublime appeal known to the constitution, by placing him before the Senate in the last resort. But there was another view of the subject, which struck his mind with equal force. He saw an officer occupying an elevated station, and clothed with the authority of this Government, calling before him a fellow-citizen, known as a man of talent and respectability in his profession, and, by a summary process, stripping him of the exercise of that profession, clothing him with shame, and incarcerating him in a felon's dungeon, the place of disgrace and infamy. He had endeavored to view the case with impartiality, and not to give way to any undue feeling; and, after having attentively heard the statement of facts presented by Mr. Lawless, he had come to the conclusion that if these facts were substantiated by testimony, the impeachment ought to proceed.

It was not now his intention to go into the merits of this case. The subject had been exhausted. But, as he had been a member of the Judiciary Committee, and had given his voice for the impeachment of Judge Peck, he trusted the House would listen to him for a few moments.

It appeared that the Judge, three months after delivering his opinion in the case of *Soulard*, and three months after the final disposition of the case and the adjournment of his court, committed it to paper, and sent it to the public press. It was an opinion involving the landed titles of almost the whole territory where he resided. He published it, as it seemed, at the request of a lawyer, or lawyers; and manifestly for the purpose of spreading opinions, exciting feelings, and leading to a certain line of conduct in the community where it was published. Perhaps this might be all right; he should find no fault with it; shortly after the publication of this opinion of the Judge, a professional gentleman, nearly concerned in the result of that opinion, had come before the public in another paper, and exposed what he conceived to be certain errors into which the Judge had fallen, which might have been called for, to save his friends or clients from the grasp of speculators, until a final trial in the Supreme Court, and especially as such publicity had been given to the opinion. Mr. E. said he had looked over both these papers; and he there declared, in his place, and was willing to risk his reputation on the opinion, that there was not any thing in this commentary in the least degree reproachful to Judge Peck, either as a man or as a judge; nothing that looked in the least like a contempt of court, or an impeachment of the integrity or character of the presiding officer, unless pointing out error, if there really be any, is an offence. He had seen similar comments in the newspapers a thousand times before. And the House was now come to the crisis, when it must decide whether it would sanction the arrest and imprisonment of an individual by a judge for commenting on one of his opinions. This [said Mr. E.] is the question we are called upon to settle this day. Finding that the rights of an individual had been violated, I put this query solemnly to myself: is there any thing in the conduct of this individual to justify such a proceeding? And I was compelled to answer it in the negative. Judge Peck had neither jurisdiction nor provocation. He had finished the case, adjourned the court, and descended from his judicial station to that of an essayist of a newspaper. The gentleman from Missouri [Mr. PETTIS] says that a spirit has gone abroad, of reckless and determined hostility to the judiciary; but, let me tell that gentleman, that if conduct like this shall go abroad with the sanction and seal of this House upon it, he may bid adieu to the honor and independence of the judiciary henceforward. Sir, have the days of the star chamber come upon us? Shall it be declared to the American people, that, after a judge has given his opinion, and dismissed the cause, he may arrest a citizen, drag him before his tribunal, and say to him, you have

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written strictures on my opinion, which I consider derogatory to me, and I, therefore, send you to prison, and take away your livelihood for eighteen months. I tell you, you are a base calumniator, a libeller, and, if you were in China, your house would be painted black, as an emblem of the blackness of your heart, and as a warning to society. Yet it is now proposed that this House shall say, it does not entirely approve of the conduct of the Judge, but impeachment is a solemn affair: the man has been punished enough already, now let him alone. Sir, I do not wish to appeal to the feelings of the House; but while I see a free citizen of this republic made the subject of high-handed oppression like this, I feel it to be the imperious duty of this House to send the man who appears to be guilty of it to his trial before another and constitutional tribunal.

Let me now proceed to answer one or two objections, which have been urged by the opponents of impeachment. And, first, it has been said that we may not impeach unless there is evidence of corruption. There need not be corruption in the common sense in which that term is used. A wicked motive is enough. Error in judgment is not impeachable, but wicked conduct and a wicked motive are. Sir, did any one vote to impeach Judge Pickering, of New Hampshire, for corruption? No, sir; he was impeached for intemperance, but not for corruption. Suppose the wicked conduct of the judge himself brings his court into contempt; suppose that conduct is arbitrary and oppressive, ought we to pass it over with slight language? In all the eight articles against Judge Chase, he was charged with an arbitrary exercise of judicial power. There was scarce one article, if I remember right, which charged him with direct corruption. The whole prosecution was founded on the idea that his conduct was arbitrary, and though he was not finally convicted, it was because the facts did not bear out the charge. Though you cannot show that a judge has been bought, you may show his oppressive and wicked conduct, and that he ought to be turned out of office. The constitution says that judges shall hold their office during good behavior. I do not say that every species of wrong behavior is such as to forfeit his office, but I say that there may be other ill behavior besides taking a bribe. I do on my soul believe that Judge Peck has been guilty of conduct, if not corrupt, certainly arbitrary in the extreme. It has been said that Lawless was personally interested in the cases in which he was counsel, and that all the counsel were opposed in opinion to the Judge. Admit it. Is that any reason that the Judge should act oppressively? His opinion and station were perfectly independent; he was not bound to regard the notions of counsel. Sir, the merits of this case lie within a very small compass. The question is, whether the criticisms of Lawless were just or not, and whether, admitting them to be erroneous, the Judge might, on that account, shut him up in jail, and strip him of his profession. There appears to me to have been a sickly sensibility in this judge. He seems to have resolved to come out, and by his judicial thunder to demonstrate that he was yet alive, that he had a court, and that he was not to be contradicted or reviewed. He, therefore, sent out, brought in his victim, cast him in prison, covered him with infamy, and did what in him lay to deprive him of his livelihood. Unless it can be shown that he had authority so to do, and that he acted on justifiable cause, I for one am prepared to impeach him.

Mr. BUCHANAN said, it was not his purpose to enter into any argument in this stage of the proceeding. He felt rather in favor of the resolution which had been moved by the gentleman from Missouri, [Mr. PERRIS.] He, too, had examined the British precedents, and found that in several cases the party had been admitted to the floor of the House of Commons, simply to make an argument on the testimony which had been previously given to the House. This was the utmost extent of the privilege, so

far as he had examined the cases, except in a single instance—that of Warren Hastings. The gentleman, as he understood, did not now ask that new witnesses should be sent for and examined: and if the request of the accused was limited to a mere permission to make an exposition of the law, and an argument upon the facts, as they appeared in the testimony already taken, he should not have the smallest objection.

Mr. DRAYTON said, that, in moving to strike out the words "or oral," he had had no intention of preventing the individual concerned from availing himself of the full benefit of what the resolution proposed to grant to him, but had been influenced by the consideration, that, if his exposition should be made in writing; all the members of the House would have an opportunity of examining it; but, if made orally, it would be impossible that all the members should distinctly hear it, and, if they did, they would probably not retain the substance of it distinctly in their memories. This was one reason which actuated him. Another was, that, in his opinion, ill consequences would be likely to arise from the personal appearance of the memorialist before the House. He might aver that a material fact could be established by testimony incorrectly or imperfectly referred to in the report of the committee, and ask leave to introduce it fully. Should his application be rejected, he might regard the permission to be heard as illusory. Should his application be acceded to, we should be drawn into a trial of the cause. It had been said that this House was "the grand inquest of the nation," thus assimilating its powers and jurisdiction to those of the British Parliament. This is a radical error. This House has no other inquisitorial authority than such as is expressly delegated to it by the constitution, and this is restricted to the power of impeaching certain civil officers of the United States for crimes and misdemeanors. The British House of Commons is "the grand inquest of the nation." In the exercise of this prerogative, they may proceed against any persons, for any offences, and in any manner which they may deem expedient. They may prefer accusations, informations, or impeachments, or enact bills of pains and penalties, altering the rules of law or evidence. They have, accordingly, acted under all these modes. They have accused an individual of misdemeanors, and ordered a jury to be empanelled for the trial, as in the case of Alice Pierce; they have impeached a clergyman for a libel, an offence cognizable by the courts of common law, as in the case of Sacheverel; they have passed bills of pains and penalties, as in the case of Sir John Fenwick, who was executed under a statute dispensing with the proof of two witnesses to an act of treason, as required by the statute of Edward III. From this brief statement, it must be apparent that analogies drawn between the inquisitorial powers of the British House of Commons and of the House of Representatives of the United States, are fallacious. The precedents, therefore, which have been cited, of the manner of proceeding when the British House of Commons accuse or impeach, are calculated to mislead, not to enlighten, our judgments. We must be regulated by our own constitution in the construction of the power of impeachment. That power is limited, in the constitution, to an inquiry to be instituted by this House, whether sufficient grounds exist to warrant the accusation of a civil officer of the United States before the Senate. Unless in this inquiry the House be confined to what is termed *ex parte* testimony, there will be no bounds set to their inquiry—they must, then, hear all the evidence which can be adduced by him who prefers the charges, and by him against whom they are preferred, and thus the House will, in fact, try a cause over which the constitution has given to them no other power than to decide whether it shall be tried by another tribunal. In what I have said, I desire not to be understood as being opposed to granting permission to the memorialist to be heard, with the limitations expressed in the resolution. I am

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willing that he should have an opportunity to comment upon the statements and the facts which are contained in the report; but, as I think that it would be more advantageous to him to submit a written than an oral argument, and as the time of the House would be saved by the former mode of proceeding, I therefore am in favor of the amendment which I have offered.

Mr. PETTIS said that the privilege would, in fact, amount to nothing, unless the Judge, in his communication to the House, should be permitted to state the facts as they had appeared in testimony, and to show how the law applied to them.

Mr. DRAYTON inquired what course was to be pursued, suppose the Judge should make some statement which was disputed, and should then ask to support it by testimony.

Mr. PETTIS replied, that each gentleman would, of course, decide for himself. The Judge's statement could not certainly be received in opposition to the testimony delivered before the committee, nor would the House be in any wise bound by the statements he might make. If those statements conflicted with the evidence, it would be for the House to decide between them.

Mr. RAMSEY observed, that, if Judge Peck, who was the accused party, was to be permitted to make his own statements before the House, he thought it would be no more than fair that Mr. Lawless, who was his accuser, should be allowed the same privilege. The one had as good a right to be heard as the other. Mr. R. accordingly moved so to amend the resolution, but withdrew his amendment at the request of

Mr. CLAY, who said that he could not perceive any difficulty in this case. The proposition was a single and a simple one. Let the Judge submit in writing an exposition both of the facts and the law. This would facilitate all gentlemen in coming to a conclusion. The Judge had not asked leave to state any facts which differed from those in the testimony. His friend had disclaimed, in his name, any such purpose. He thought it was a right which ought not to be denied to an accused person, and he was persuaded that the granting of it would lessen the difficulty of the House in coming to a just conclusion.

Mr. MARTIN said that he had an amendment which he presumed would answer the views of the House generally. He believed there were none who supposed that the Judge was to be permitted to state facts in his own favor, in contradiction to those which had appeared in the testimony before the committee; that thus an issue was to be made up, and that the House was to hear an argument on that issue. Such a thing could not be thought of for a moment. Mr. M. was not indeed fully prepared to say how far it would be proper to hear the Judge at all, but, in so important a case, he was for extending the rule of proceeding as far in favor of the accused as propriety would admit. He would not confine the Judge to too narrow rules in an investigation so important to his own individual reputation, and one having so near a bearing on our judiciary. The House surely were not afraid to trust themselves. He, for one, was disposed to listen to the Judge with all good feeling, but he should also, he hoped, exercise over his feelings a strong restraint of caution, while he endeavored to do strict justice between the accused party and the United States. Let him submit a written law argument. Let the House have an opportunity of hearing what his own views were. Few subjects involved more points of difficulty than the doctrine of contempts, and Mr. M. for one, was anxious to hear what could be said on both sides. In such a case, he should not stop to look at precedents. Mr. M. then moved an amendment, which was at first accepted by Mr. PETTIS as a modification; but, after that gentleman had conferred for a moment with the Judge, he concluded not to accept it, but modified his original resolution by inserting the word "written"

before "statement," so as to propose that the Judge might deliver a written exposition of his views before the House.

Mr. SPENCER, of New York, said that the object of the resolution, as he understood it, was to permit Judge Peck to be heard. This object differed materially from that expressed in the Judge's memorial, where he prayed not only that he might be heard, but that additional witnesses might be sent for to Missouri. As to receiving a written exposition from the accused, in relation to the law which he supposed to have authorized him in what he had done, and also his commentary on the facts which had appeared in evidence, Mr. S. had no objections. If there was any law which went to justify his conduct, let him have an opportunity of showing it. Mr. S. would willingly acquiesce, provided his explanation were made before Monday next. The session was now far advanced; and, if Judge Peck were guilty, the justice of the country required that there should be no delay in bringing him to punishment.

Mr. BUCHANAN said, he should not suffer himself to be betrayed into any feeling by the remarks which the gentleman from Missouri had made, or by any remarks which he could make. That gentleman had very evidently betrayed his own feelings in the case. He trusted he should treat the subject temperately and calmly. As to what my opinion is, [said Mr. B.] that is contained in the report of the Judiciary Committee; nor had I ever an opinion on any subject more clear and decided. If the report "betrays" any feeling on my part, it is before the House, and before the country, and they will judge. The question now before us is this, and this only: What is the proper mode of proceeding for us to adopt? My desire is that the House may establish such a precedent as shall protect the interests of the accused in all future time. The Judiciary Committee had Judge Chase's trial before them. The mode of proceeding in that trial they considered as strictly proper and delicate. The committee, in that case, were directed to report their opinion on the charges against Judge Chase which had been made on the floor of the House. For the purpose of enabling them to do so, they procured all the testimony in their power. This they reported to the House, together with a simple statement of their own opinion upon it. Nothing else. And why? I presume that, as it was a judicial proceeding, they wished to leave every gentleman to decide for himself upon the naked testimony. They considered one member as competent to decide as another. Their report was referred to the Committee of the Whole on the state of the Union, and there it was fully discussed. With this precedent before us, the committee are not justly liable to the imputation of the gentleman from Tennessee, [Mr. BELL] who thought it very singular that the committee did not specify the charges, and give the grounds and reasons of their conclusion. If the Committee of the Whole on the state of the Union shall concur with the Judiciary Committee in their view of the case, then the House will appoint a committee to draught articles of impeachment, and thus present the charges in a specific form. These articles will be reported to the House, and the House will discuss and decide upon them. Until after this second decision shall have been made, the accused will not be called upon to answer. The course pursued in the case of Judge Chase gave to the party every thing he could reasonably desire.

Sir, what does Judge Peck state in this memorial? Does he allege he had requested of the Judiciary Committee that other witnesses should be examined? This he could not state, for the fact was not so. He made no such request; and I never even suspected that he had such a wish. Had he requested it, I, for one, should have thought it a very grave question, and one that demanded the most serious consideration. It is a question on which I confess

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my mind is not at this time fully made up. But that is not the question before us. We are now called upon to decide whether, after Judge Peck had declined to make such a request in the committee, and after the committee have reported the testimony, and their opinion upon it, to the House, it is proper to allow him at this stage of the proceeding to make his defence and examine his witnesses either before the same committee or before the House.

Our own precedents, it is said, differ from each other; but this is not the case, so far as they relate to proceedings against judges.

As to the case of the Vice President, he presented his own case before the House, and demanded an investigation. All cases are not necessarily subject to the same rule. One case may demand one course of proceeding, and another case require a different mode.

The remark which excited the ire of the gentleman from Missouri, was merely a response to an opinion expressed by the Judge in his memorial. I said that he had made his case rather worse than better, by his cross-examination. I am still of that opinion.

I believe the best course of proceeding in such cases, is that which the House have hitherto adopted. Give a committee charge of the complaint, and they will seek for disinterested witnesses from all sources within their power; they will inquire who is least excited? Who will be likely to give the most correct statement of facts? If they shall do this, and honestly aim at attaining the ends of public justice, without violating the rights of the accused, we shall have taken the most correct course. I am in favor of referring this whole case to the Committee of the Whole on the state of the Union. If that course shall be adopted, I shall not call up the report this day, but will endeavor to examine the precedents as well in England as in this country, and lay the result before the House.

As to the course pursued by the House of Representatives of Pennsylvania, in similar cases, which has been referred to by my colleague, [Mr. SUTHERLAND] of hearing the defence of the accused, and examining his witnesses, before voting an impeachment, it has never met my approbation. I think I have observed great inconvenience, if not great injustice, from that mode of proceeding. It must necessarily prejudice the cause. The accused, instead of going before the Senate without prejudice, shielded by the presumption, both of law and justice, that he is innocent until he shall be proved to be guilty, will be arraigned at their bar, after having been convicted, upon a full trial, by the deliberate judgment of the House. I repeat the opinion, that the best mode of attaining justice is to entrust such complaints to a standing committee, selected from all portions of the Union; and which, from its very constitution, must almost necessarily be impartial. The members of such a committee, acting under the responsibility which they owe to the House and to the country, and clothed with the power of sending for persons and papers, will ever be careful to draw their testimony from pure fountains. After having collected from impartial sources sufficient testimony to satisfy their consciences that the accused ought to be impeached, they will then report this testimony, with their opinion, to the House, as has been done upon the present occasion, and leave each member to judge of its effect for themselves. In this manner the rights of the accused will be best protected, and the interests of justice best subserved.

If Judge Peck had insinuated, when before the committee, that the parol testimony had presented an incorrect statement of the transaction, and had asked that other witnesses might be examined, I should have felt much inclined, I confess, to grant the request. But no such request was made or intimated. We might have called on the gentleman from Missouri [Mr. FERRIS] to testify, and I am sorry Judge Peck did not make the suggestion. But

I protest against reflecting upon the committee, as though they had not been disposed to elicit the truth, the whole truth, and nothing but the truth.

In conclusion, I say, let a suitable precedent now be established for future times. Let it be solemnly determined whether a judge, when accused, shall be at liberty to demand that his whole cause shall be tried before the House of Representatives before an impeachment is resolved upon.

In deciding this question, I trust the House will come to such a conclusion as will best secure the rights of the people and the accused, both now and hereafter.

Mr. ELLSWORTH observed that the amendment of the gentleman from South Carolina brought the House to what he considered the real question, and it was one which involved a point of great interest, but not of much difficulty, though gentlemen seemed not fully to agree. Whether we are to follow precedents already established in the cases of Judges Chase and Pickering, or of William Blount, Senator, or are to mark a new course to be followed hereafter, it is important that we act with caution, doing justice to the accuser and accused, as well as to the public. If the House adopted the amendment, it would be only on the idea that the Judge was to be impeached or not, according to the judgment of the House on the facts already in evidence. On those facts he should be glad to hear the commentary of the accused, who ought certainly to have an opportunity of saying in his own behalf whatever he had to say. But, if a contrary course should be adopted, and the House should reject the amendment, he must conclude the House intended, upon this inquiry, that the accused should have liberty to introduce such evidence as he pleased, and thus to put the matter into the hands of the accused. Mr. E. said he could not consent to such a course. This House has no constitutional power to try the accused. We are to inquire after the oppression complained of, and to inquire until we are satisfied that an impeachment is necessary, but we can go no further; we cannot try the case. Is the accused to bring before us such witnesses as he pleases, to take the defence into his own hands, employ counsel, and try the charges fully and perfectly? This is not our business. We have no charges framed, nor can we have, until we decide to go forward. From what has been said on this debate, [said Mr. E.] he was convinced some gentlemen misapprehended the nature of the duties of the committee on which he served.

This House was the grand inquest of the nation. A judge of the United States' court was here complained of by a private citizen, for an alleged trespass upon his rights. The complaint had been presented to this House, who had referred the case to one of its own committees. The committee, in the discharge of their duty, had sent for all such witnesses as might enable them best to elicit the truth of the case; but he could assure the House that the selection had not been made *ex parte*. The committee had endeavored to obtain all such testimony as would enable them to present the case fairly to the House. The question now was, whether they should say to the accused, we will hear you on the testimony already obtained, or whether they would go further, and suffer the accused to introduce new testimony.

Of the preliminary facts, he could say that they were not of an *ex parte* nature. No doubt it was the duty of the House to get all the information they might deem necessary to arrive at the truth; but he denied the policy or the propriety of admitting an accused party to go before a committee into a thorough trial of his whole cause, with counsel to aid him, and then to call upon this House to say whether he was guilty or not. The committee had sent to Missouri for A and B, for C and D, including persons both for and against the accused. They might have procured other testimony, but they obtained

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all that they thought necessary. It was now for the House to say whether the accused should have another hearing. English precedents in Parliament have been searched, and with the exception of Warren Hastings, who was impeached by Edmund Burke, rising in his place, the accused has never introduced evidence on the preliminary inquiry. If the amendment was adopted, he should understand the House as coming to the conclusion, that, as a grand jury, they were to get all the facts necessary to show whether there was or was not ground of impeachment. But they were not to hear Judge Peck, as if he were on his trial before them; the House was not the body appointed to try him; and he hoped they would proceed on the ground that the accused was to confine his argument to such facts alone as this House might choose to investigate, and not to take the House into his own hands, as though he were to have a full trial on this floor.

Mr. HUNTINGTON addressed the Chair, in substance as follows:

I have read the evidence on which the resolution now under consideration is founded, with attention, not only because I am called to give my vote on that resolution, but because the subject of it is of deep interest to the parties immediately interested in it, and to the nation. If the Judge, whose official conduct is condemned, has so conducted as to require the constitutional interposition of this House, in the form of impeachment, we ought not to shrink from the duty imposed upon us, from a regard to his reputation, his future standing, or the severity of the punishment which will follow conviction. It is due, in such case, to the indignity offered to the country, to the disgrace brought upon the judicial office, to the honor and safety of the bar, that this House should seek to remove from a high and important station a judge who fills it so unworthily. But if he has committed no offence worthy such stripes—none embraced in the constitution from which we derive our authority to act—then it is due to him to give him our protection, to sustain his reputation, and to declare him innocent of that offence which would endanger the loss both of office and character.

Notwithstanding the respectable source from which this resolution has emanated, and with no feelings but those which proceed from an anxious desire to judge righteously, (for all the parties more immediately interested are strangers to me,) I cannot concur in the result to which the Committee on the Judiciary have come, on this interesting subject: and I hope that, in submitting the reasons on which my opinion is founded, I shall not be justly obnoxious to the imputation of favoring judicial tyranny, the worst of all tyranny, because so difficult to detect, and so oppressive in its consequences. I am a member of the same profession with the individual who is said to have been oppressed, and I can surely wish no rule should be applied to my brethren in Missouri, which I should repudiate when sought to be applied to myself.

The resolution submitted to us is, that James H. Peck be impeached of high misdemeanors in office. It is somewhat difficult, if not impossible, to give a definition of the term misdemeanor, as used in the constitution, which will include every case embraced by that word. It does not mean, merely, an indictable offence at common law; for if a judge should come on to the bench in a state of intoxication, or, while there, should employ himself in playing games of chance, he ought, in either case, to be impeached. Nor does the term include incompetency to discharge the duties of the office, arising from physical or mental inability. The judge holds his office "during good behavior;" but that phrase is the opposite of the causes for which he may be impeached—"high crimes and misdemeanors." What constitutes a judicial misdemeanor, subjecting to impeachment, must depend upon the circumstances of each case as they exist. As applied to this case, I think it susceptible of a precise definition.

It is an assumption of judicial power, exercised to the injury of an individual, and done *malò animo*.

To sustain this resolution, the committee must be satisfied that Judge Peck had no power to imprison, and erase from the roll of attorneys the name of Mr. Lawless, for the causes which led him to do it; that the exercise of this power operated to the injury of Mr. Lawless; and that it was done with a corrupt motive. If either of these points is with the Judge, the resolution ought not to pass. If they are all against him, it ought to be adopted.

I shall spend no time on the inquiry, whether Mr. Lawless sustained an injury by reason of the proceedings instituted against him, for it is obvious that a suspension from practice for eighteen months, and the deprivation of his personal liberty for four hours, were both injurious to him. The right, on the part of the Judge, to do these acts, and the motives with which they were done, are the only topics to which I shall ask the attention of the committee.

As to the right. Was the conduct of Mr. Lawless such as to justify the court in treating it as a contempt, punishable by imprisonment and suspension from practice? It may be assumed as a correct, legal proposition, that any publication, the object and design of which is to corrupt the fountains of justice, by its tendency improperly to affect the due administration of it in causes which are depending in the courts of law or equity, is a contempt, authorizing a summary proceeding by process of attachment, punishable by fine and imprisonment, and, in case of an attorney, by suspension from practice. And it is immaterial whether the effect is attempted to be produced by the operation of the publication on the judge, the jurors, the witnesses, or the public. It is equally immaterial what the text is, which is made the basis of the publication; it may be the opinion of a judge in a cause previously decided, or it may be any thing else; nor is it necessary that the design of the writer should have been accomplished. The essence of the offence consists in the intent with which the publication is made, and its tendency improperly to affect the decision of causes undetermined. Such is the law of contempts, as it relates to the proceedings which have led to the resolution before us; and its application to these proceedings is now to be considered.

Before, however, this is done, I deem it necessary to notice some remarks which have fallen from my friends from Pennsylvania and New York, [Mr. BUCHANAN and Mr. STORRS] which, in my judgment, have no connexion with the merits of the question under consideration, and are calculated to produce impressions not justified by the acts of the Judge which are complained of. I will not stop to examine whether these gentlemen, in the style and manner of debate in which they indulged, exhibited more feeling than properly belonged to the station which they occupy; for I am perfectly sure that neither of them was actuated by any other consideration than that high sense of duty which we all ought to feel; but I must say, topics have been introduced, which deserve, I will not say reprehensions, but a reply. My friend from New York told the committee, yesterday, that Judge Peck, in his written apology, had stated that, if he had erred in this matter, it was an error on the side of Government, and calculated to protect its interests.

[Here Mr. STORRS explained. The gentleman had misapprehended him. The Judge, in the paper which he had furnished, did show that he had erred on the side of the Government, and enumerated a number of cases where his decisions had the effect of saving the public land.]

Exactly as I understood him, [said Mr. H.] though not expressed in the same terms. Sir, the observation was calculated to impress the committee with the idea that the Judge wished us to recollect that if he had proceeded in an unlawful manner, he ought to be shielded, because he had done so in order to favor the Government. Sir, no such conclusion will follow an examination of that paper.

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Judge Peck.

[H. of R.]

All that the Judge says is this: that, as very numerous claims were pending, which embraced the same principles as the case of Souldard, he felt it to be his duty to give that case a most thorough and close examination; and I say, that whoever reads that opinion, cannot avoid coming to the conclusion that it is both an elaborate production, and one written in good faith.

But we are told that the opinion of the Judge, except in one particular, was extra-judicial. If this was intended to afford an excuse for the criticism of Mr. Lawless, I differ most materially from the gentleman from Pennsylvania, [Mr. BUCHANAN] and my friend from Virginia, [Mr. DONNIDGES.] Neither do I agree with them in relation to these *obituary dicta*. My poor reading has led me to conclude that it is not best to travel out of the record, and to express a legal opinion in a case not before the court. But may I not ask whether, in this opinion delivered by Judge Peck in the case of Souldard, any man can see aught that looks like an extra-judicial opinion. He first settled the case, and he needed not to have gone any further; but he then proceeds as if he would say, if I have been wrong thus far, there is another point which makes equally against the claimants. That is all he has done. He gives different reasons for coming to the same result. They are reasons called for by the case, and such as it was not only proper, but his duty, to consider and discuss. The gentleman from Pennsylvania seems to lay stress on the fact that the Judge printed his opinion in a newspaper. If that remark was intended to have any effect, it must be this, that such a proceeding was derogatory to his judicial station. The gentleman says that when the Judge had given his opinion, there he ought to have stopped; but I ask, was there any thing improper in publishing his opinion? It is a proceeding, which, if not frequent, yet sometimes occurs.

When the bar requested this publication, ought the Judge to have told them that a compliance would be derogatory to the profession? But the gentleman adds that the Judge published this opinion in a political newspaper. Now, sir, I should be glad to know where he could have found any paper which was not political. If it was lawful for him to publish at all, I do not know where he must have gone to do it.

[Here Mr. BUCHANAN explained. As reference had several times been made to what he had said on that subject, he wished to remind the committee that he had said at the time that he knew the character of the paper only from the Judge himself; it had been designated by him as a "political newspaper."]

But the honorable gentleman, I will not say in the coloring he gave to the testimony, but in his comments and argument, inquired why Judge Peck solicited the name of the publisher. Did not the Judge know who he was? Was not his name on the paper? Now, sir, if this was meant for any thing, it was to strengthen the idea that the Judge had selected his victim. But surely the gentleman knows that no attachment could issue to bring the party before the court, without an affidavit to found it upon. And though the Judge might see on the face of the paper that A B was the publisher, he could not issue a rule on such evidence—it must be of record. There was, then, nothing improper in taking steps to procure an affidavit.

But the gentleman asks, why call particularly on Lawless, when all the bar and many other persons were present? Why, sir, Lawless was not specially called. The Judge inquired if any one present knew who was the publisher of that paper, and Mr. Lawless volunteered an answer to the question. Without that answer he could not have proceeded an inch. After Mr. Lawless (and the fact is creditable to him certainly) had verified the fact, then the attachment issued. But I have more to do with the matter than the manner of the Judge. And I proceed to inquire. Did Judge Peck assume an authority which he did not rightfully possess?

The committee has been told, over and over, in a style the most warm and animated, that his conduct was arbitrary, oppressive, unconstitutional—calculated to destroy the liberty of the press, and that this gross assumption of power was called forth by the exercise, on the part of Lawless, of his undeniable and unalienable right as a free citizen of this republic. Sir, let us descend a little from this lofty pinnacle, and let us calmly and coolly ask what did Mr. Lawless do? And was his act a contempt of court? He published an article signed "A Citizen" in one of the papers of St. Louis, and which has been called "a respectful commentary" on the Judge's opinion. Now, sir, there is no member of this House, whose voice would be sooner or louder raised against any attempt to suppress the legitimate freedom of the press. I hope I shall not be charged with any desire to violate it. And I hope that our courts of justice will never be held to be so sacred, that their adjudications may not be the subject of fair and temperate animadversion. No man is above it, or ought to be above it. The moment you curtail the freedom of the press, you destroy liberty.

But, sir, while I guard the freedom, I am as greatly opposed to the licentiousness of the press; I will take care that the object of such animadversions shall not be to bring down upon a court the vengeance of the public, and thus affect the great and vital interests of justice, and the peace and well being of society. The case has been treated as if this article, signed "A Citizen," was no more than a fair and honest commentary on the opinion published by the Judge. Sir, was this so? Were there not causes pending, of a similar kind with that which had been decided? It is admitted—it appears in evidence, there were other causes depending on Spanish concessions to be adjudged in that court. Look then at this publication, and see what its object was. What was its motive? And what was likely to be its effect on the causes pending? Sir, what does Mr. Lawless tell us? (No doubt he has a right to come here and spread his wrongs before this House, if he has suffered any—but he is the accuser—the witness in his own cause.) And what other witnesses have we? His two counsel. I do not deny that these gentlemen are competent witnesses—but what does every man of common sense know? That a party in interest or his counsel are to be heard with allowance for their natural bias. One of my friends has related to me a fact on this subject. A judge was some time since trying a cause, when some point occurred of evident truth, but to which there was no witness. One of the counsel in the cause offered himself as a witness to prove the fact; but the judge suggested to him that it would be better to let the cause go off, until a witness could be obtained; because it did not seem becoming in counsel, when a cause pinched, to offer himself to be sworn. The lawyer, however, insisted. When the judge said to him, "you are a competent witness, and I may not refuse to have you sworn, but, if you do testify, I shall instruct the jury not to believe one word you say." The judge may possibly have stretched the rule, but the counsel will never forget it. And in this case I do not say the witnesses are not competent, but I say they are parties in interest; and yet such are the principal witnesses in the case. Now, I ask, what could have been the motive of Mr. Lawless in writing that article? It is said that it was to put his clients upon their guard, and to prevent them from becoming the prey of speculators. Sir, this article itself develops his secret motive—it seems to me that I can read his heart as plainly in that transaction, as if it was laid open before my eyes. Is it not demonstrable that his motive could not have been that which is assigned by his advocates here? If it had been, what could have been easier than to have inserted an article in the paper, stating that the decision in the case of Souldard was not final; that an appeal had been taken to the Supreme Court of the United States; and that the cause was to be considered

as still pending, and recommending to his clients to wait the issue before they took any steps in relation to their claims. But, no; he did not take this course, but inserted an article virtually holding out to his clients this language: Do not be affected by this opinion of Judge Peck—it is quite erroneous. And did he not know that it was to be this very Judge Peck who was to sit upon their causes to try them? And would his clients be deterred from selling their land by this? Was it not the very strongest reason why they should sell? No, sir. It is impossible his motives could have been such as gentlemen suppose. Charity believeth all things, and covereth a multitude of sins; but charity herself can have no room here. If this was not his object, what was it? It was the object of that article to affect the adjudications in the other cases, either in producing in the Judge an alarm, which might check his progress, or, if he was not to be intimidated, then by pre-occupying the minds of those who were to become jurors and witnesses. This was the obvious tendency of the publication. It was a direct appeal from the court to the public, stating that the Judge had been guilty of errors, both in law and in fact. Every citizen who read the article and believed it, would say, this judge is not competent to his duty, and he should not be here. He has been guilty of eighteen assumptions in one opinion, all of which are erroneous. Sir, this was the only effect the article could have, and it is fair to infer that this was the end for which it was written. Now, if it was, then the act falls within the principle which governed the law of contempts. It was intended to operate on cases still *sub judice*; whether the author effected his purpose or not, is immaterial. The design of his publication was a contempt. I have adverted to this, not so much for the sake of stating my own opinion in relation to it, as with a view to correct the erroneous view which I think has been given by every gentleman who has spoken in favor of the impeachment. I appeal to all who hear me to say whether the resolution has not been advocated in fact upon the sole ground that the object of the publication of Mr. Lawless was fair and honest and commendable, and not designed to have any effect upon the causes pending. Now, can a design be called honest and fair, which goes to corrupt the fountains of justice, no matter how this is effected, whether through the judge himself, or through the jurors and witnesses? To test the truth of this idea, let us suppose that, instead of the article signed "A Citizen," Mr. Lawless had written one in this form: "To all persons who may appear as jurors or witnesses at the next term of the district court for the district of Missouri, before the Hon. James H. Peck, Judge of the same: take notice, that, at the trial of Soulard's heirs, the said Judge assumed eighteen points of fact and of law, all of which were false." I ask, would any man have doubted whether this was designed and calculated to impress the public mind in a manner unfavorable to the court? Sir, there is not a man who could read this notice, and compare it with the opinion of Judge Peck, that must not suppose, if he believed it true, that the Judge was either a very wicked man, or else a natural fool—that he was too ignorant or too corrupt to hold his station. I now leave this part of the subject, and, after a word or two more, I shall have done. If it will not be thought by my friends from Pennsylvania and Virginia to be extra-judicial, I will go one step further. If I have been correct so far, nothing more need be said; but suppose I have been mistaken, there remains another view to which I must advert, at the hazard of being charged with an *obiturn dictum*; and I ask whether, in the conduct of Judge Peck, there is reason to infer the absence of malice, whether we are obliged to suppose that he had any other motive than to uphold the honor and purity of the court. Sir, it is one of the most difficult things in the world to judge of men's intentions; and I could not but feel some surprise at a remark of my friend from New York, [Mr. STORRS] who observed, if I

understood him, that we need not look with eagle eyes into the motives of the accused, seeing that we were only taking the preliminary steps towards a prosecution. Now, sir, my limited practice had led me to believe that in all proceedings *ex parte* there was a peculiar necessity that the evidence should be full and satisfactory. And is it so that we must not look into the motives of the accused? If not, then there is an end to all fairness. And what is the conclusion? The accused must look out for himself. But surely the presumption of malice may be rebutted by circumstances; and I cannot conceive how the gentleman could have supposed that there was any other motive in this publication than a design to bring the court into contempt.

[Mr. STORRS here explained. What he had said was that the committee were not bound to look with eagle eyes for palliations of the offence, substantiated by testimony.]

Just as I understood him, [said Mr. H.] and I enter my entire dissent from the doctrine. I am a perfect non-believer in it. The question we have to settle is, whether the circumstances are such as to infer an honest or a malicious intent. If Judge Peck viewed this anonymous article as more calculated to impress the public mind than if a direct charge had been advanced of ignorance or corruption, then I do not wonder that he came to the conclusion that the intent of the writer was to embarrass the causes which might come into his court. I have looked at the criticism of the Judge's opinion, and I say that every charge has been highly colored, and that in others there has been a complete distortion of the Judge's meaning. I ask every gentleman calmly to compare the article signed "A Citizen" with the opinion of Judge Peck, and to say whether it is not a perfect caricature of that opinion. And if the Judge entertained this opinion, then you find a motive at once for his conduct. The article held him up to an abused public as incompetent to the duties of his station; and if it did so, then I say that the Judge acted from a motive which is fair and becoming in every man who means to protect himself; and I say further, that a judge, believing that one of the counsel in his court had been guilty of such an attempt to corrupt the fountains of justice, and did not lay a heavy hand upon him, is not fit for his station; and as long as I shall continue a lawyer at the bar, I am perfectly willing to subject myself to the same rule. I do not wonder that the Judge's commentary on this production occupied three hours. The subject had been laboriously examined by him, and had been fully set forth in his opinion; and I do not wonder that a circumstantial examination of it, and refutation of the falsehoods in the article, should have taken him a considerable time. But, sir, we find a motive independent of this. In what circumstances was the Judge placed when he made this examination? He was surrounded by a number of gentlemen, members of a profession honorable in itself, and as useful as it is respectable. Among them all he found no voice in favor of the Government; but every member of the St. Louis bar, excepting, perhaps, the attorney of the United States, was retained, either as attorney or counsel, for some of these claims. It is said that Mr. Lawless was personally interested in the case of Soulard; whether he and the other gentlemen were to share profits with the claimants, is not for me to say; but, in the State from which I come, a lawyer who would lend his professional services in a speculation of that kind would, if detected, be stricken from the rolls with disgrace. What morality may prevail to the westward on this subject, I know not; perhaps the practice there may be considered very honorable. All I shall say is, that I am very glad such notions have no place in my State. A judge thus surrounded had been publicly charged with not knowing the fact, or the law on which he was called to decide. Now, sir, I confess I do not know any thing more calculated to touch his reputation or wound his feelings. Perhaps a charge of corruption might have been a little worse, but I believe that most men would

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nearly as lief be charged with one as with the other. The Judge did show a little feeling on the occasion—I think I should have shown much more. He sat patiently, and heard the charge fully argued. The accuser himself says that he was permitted to discuss it so long as he wished, and during this time there was nothing in the Judge's demeanor different from what it was at other times. Now I ask what motive could the Judge have had to oppress this man? Was it his interest to do so? Evidently not. Was it any malicious resentment? Why, sir, Mr. Lawless himself says that he and the Judge had always been on good terms. I therefore conclude that he acted on this occasion in good faith, though it is possible that he mistook his powers. But it seems to me that the very circumstance most insisted on as evidence of evil intent in the Judge, is pregnant with evidence in his favor. It is said that he exhibited passion in his manner, and that his language was violent. Well, sir, I admit that he was somewhat indiscreet; but I am yet to learn that warmth of manner is evidence of corruption. Is the manner of a person who designs to perpetrate oppression under the mask of judicial power usually warm and passionate? No, sir! he comes coolly to his task of hypocrisy; he expresses great regret at the task imposed on him. He begins by degrees, looks earnestly upon the assembly and compassionately upon the culprit, speaks of the enormity of his offence, regrets extremely that he should have been guilty of it, asks him if he is ready to apologize, and then proceeds to the blow for which all this preparation was made, and strikes his victim from the roll. Is that the deportment of the Judge? We find him warm and animated, over-excited, perhaps rash in his language; but does not this betray an honest conviction that he would be faithless to his duty if he did not punish a flagrant outrage on the administration of justice? When attempting to ascertain the motive of the Judge, ought we not to remember that he offered the offender the opportunity of purging himself by oath, which was refused; and my friend from New York thought it astonishing that any one should consider this refusal as an aggravation of the contempt.

[Here Mr. SPENCER explained. He said that when interrogatories were offered they were never limited, and the accused could not know what would be the nature of them.]

Sir, this circumstance furnishes my mind with a presumption in favor of the Judge. The interrogatories necessary for the accused to purge himself from intentional contempt, were few and simple. The question was put to the printer, whether Lawless said that he did not intend any thing like contempt towards the court, but afterward we hear nothing more of this. If the object of the Judge had been the gratification of revenge, we should have heard of no interrogatories. I will not say that the Judge was authorized in doing all that he did, but I insist that the offer of interrogatories was no addition to his guilt.

I feel very thankful for the attention with which the committee have indulged me. I felt that the case was a very important one; and as very distinguished friends held an opinion with respect to it the reverse of my own, I considered it to be my duty briefly to state the reasons for my own opinion, and for the vote which I shall give against the impeachment.

Mr. BATES, of Massachusetts, observed that this was a high criminal proceeding against a high officer of Government. The accused ought to be treated with the utmost liberality. He need not speak of the effects of the present proceeding, either on the character of the accused party or upon the Government. Merely to allude to the expense and trouble incident to a trial at the bar of the Senate, and the necessary and consequent delay of business, would be sufficient to induce a proper degree of caution on the part of this House, in instituting this constitutional process.

An application was now made by the friend of the accused, that he might be permitted to make a communication to the House, orally or otherwise, as he might choose, in relation to the law and the facts of his case. He hoped the privilege would be accorded. He was not for fettering the Judge, and restricting and embarrassing him by too much regulation; or by the commitment of his friends in this House to this or that course. Let him be heard in the way he might himself prefer. Mr. B. denied that the House was to proceed in the character of a grand jury. He had much doubt on the propriety of receiving only *ex parte* evidence, in many cases, even before an ordinary grand jury; but the reasons for it there would not apply to this House. If the accused was desirous of being heard either on the law or on the facts, Mr. B. was for hearing him. He thought it due to him. He hoped the resolution would be adopted, in the confidence that Judge Peck knew what belonged to this House, and what became him as a judge and a gentleman.

[Mr. BURGESS followed Mr. BATES, of Massachusetts, whose speech concluded the debate for this day.]

On motion of Mr. HEMPHILL, the House went into Committee of the Whole, Mr. HAYNES in the chair, on

THE BUFFALO AND NEW ORLEANS ROAD BILL.

Mr. MERCER rose and entered at large in defence of the policy and expediency of the measure, and in reply to the gentleman who had opposed it. He spoke about two hours, when he gave way for the purpose, and the committee rose.

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CRIMES IN THE DISTRICT OF COLUMBIA.

The House then, on motion of Mr. POWERS, went into Committee of the Whole, Mr. HUCHANAN in the chair, and took up the bill for the punishment of crimes in the District of Columbia.

A good deal of discussion took place on the details of this bill, and on motions to modify them, in which Messrs. POWERS, WICKLIFFE, SEMMES, SPENCER, of New York, STORRS, of New York, BURGESS, WHIT- TLESEY, BOULDIN, P. P. BARBOUR, WASHINGTON, DRAYTON, DODDRIDGE, TAYLOR, and VER- PLANCK bore a part. The question which gave rise to most of the debate was on a motion of Mr. WICKLIFFE to insert the word "free" in the second section, so as to limit the penitentiary punishment for certain offences to free persons, and leave slaves to be punished according to the laws of Maryland and Virginia, now in force in the respective divisions of the District. This question was ultimately decided in the affirmative: yeas, 58—nays, 54.

Mr. POWERS, chairman of the Committee on the District of Columbia, gave a general explanation of the views of the committee in reporting the bill, and showed the necessity of its immediate passage. He observed that the bill, in its essential features, was similar to one which had been prepared and reported several years since; that it was more simple, and the definition of offences had been chiefly left as they were at common law. The draught of the bill had been submitted to, and approved by, several distinguished members of the bar in this District, who best understood the defects in the existing laws. The proposed code was mild in its character, and conformable to the improved and enlightened state of public opinion on the subject of criminal punishments.

After further general remarks, Mr. P. adverted particularly to the offences of gaming and duelling, punishments for which were provided in the bill; and dwelt somewhat at length on the enormous evils of gaming, as practised in this District, and which the corporate authorities had found themselves, after their best efforts, unable to suppress.

Penalties had been imposed, two-thirds of which were paid to the informers; and the extent of this evil could be somewhat inferred from the fact, that a single constable was in the habit of receiving from two to three thousand dollars a year of gamblers, as informer, for his share of penalties, the balance of which was paid to the corporation. It was certainly important to the morals and welfare of society, that this alarming practice should be suppressed.

He should not [said Mr. P.] dwell on the subject of duelling. It had often been discussed by far abler men, and he could offer nothing new. All must be sensible of the magnitude of the evil, and concur in a desire to abolish a practice fraught with such calamities as this country had experienced from it.

He should trouble the committee with no further remarks at present, but was prepared to give such explanations to the various provisions of the bill, as might be called for.

Mr. WICKLIFFE proposed to strike out three of the offences mentioned in the bill. He referred to the words "cheating, gaming, and duelling." All crimes, he contended, should be punished according to their enormity, and no jury, he presumed, would be found to sentence a man to the penitentiary for the undefined charge of gaming, for instance. He would leave this subject where it now rested, in the care of the common law. He presumed the committee intended to suppress the evil of keeping public gaming tables, though, in the present shape of the provision, it extended to the corner of the whist table.

Mr. SEMMES proposed to amend the section by inserting the words "keeping a public gaming table or house." This [he said] was the kind of gaming intended to be punished by the committee, and he hoped it would meet the views of all. As to duelling, [he said] it was evidently the wish of a large proportion of the citizens of the place to have something done for its suppression; and as they were legislating for a people who have no legislative council of their own, he thought it due to them to consult their wishes.

Mr. SPENCER, of New York, said he should readily concur with the gentleman from Kentucky, [Mr. WICKLIFFE] that the word duelling should be stricken out as too indefinite an expression, if it were not fully defined in the eleventh section. Gaming [he said] was also a crime of various grades, and required provisions accordingly. Cheating was entirely too indefinite a term, and should be stricken out, or receive a substitute. In relation to duelling, there was scarcely a State in the Union which did not severely punish the incipient steps towards the commission of this crime, such as bearing challenges, &c. He hoped this ten miles square would not be made an exception, but that here a still more salutary example would be set, for the guidance of other parts of the Union.

Mr. STORRS, of New York, said, if the gentleman from Kentucky [Mr. WICKLIFFE] would withdraw his amendment for a moment, he would submit a proposition which he thought would meet his views.

Mr. WICKLIFFE said, no man could have more abhorrence for the crimes enumerated, than he had; but he knew the futility of enacting laws which would not, and could not, be executed. He would, however, withdraw his motion to strike out, to give the opportunity asked by the gentleman from New York.

Mr. STORRS then proposed to amend the section by substituting the following words: "for obtaining money or any securities herefor, or any goods or chattels, under false pretences, or keeping a faro bank, or other common gaming table."

A suggestion was made by Mr. WHITTLESEY to strike out the word "common," but Mr. STORRS feared this might destroy its object, and it was agreed to as first proposed by Mr. STORRS.

Mr. WICKLIFFE next moved to insert the word free, in order to make these punishments only applicable to free citizens, and not to slaves.

Mr. POWERS said it was the intention of the committee to place slaves on the same footing as free citizens in relation to criminal punishments.

Mr. WICKLIFFE demanded what punishment it could be to take a man from the bondage of his master, and place him in the penitentiary.

Mr. POWERS said, he had inadvertently answered for the whole committee on the subject of maintaining an equality in punishments, while, in reality, he only expressed his own sentiments. He was now convinced that others, and perhaps a majority of the committee, were opposed to him on that subject.

Mr. BURGESS said, he did not know the provisions of the bill, but he could not see how a distinction could be made in punishing the crime of a slave or that of his master; and he was sure his master could not complain of the loss of his service, so long as his confinement was required for the public safety, for this was, in fact, the object of punishment. He agreed with the gentleman from Kentucky, that it was no great punishment to imprison a slave; but the public safety might require his confinement. If slaves were exempted from punishment, a man might, with impunity, aim a dagger at the throat of him whom he hated, by the hand of his slave.

Mr. BOULDIN said, there were circumstances, founded in necessity, which rendered a distinction essential, between the laws applicable to a free man and those intended for a slave. The incarceration of an individual, and making him a slave for a time, had some terrors for one who was free; but what possible effect could it have on one who was already a slave? What possible good could result from taking him for a time from one master, and giving him to another? He thought, also, that the punishment of the slave and the interest of the master should ever be inseparable. The master should rather be interested in the detection and punishment of the crimes of the slave, than in their concealment. He did not know the size of the penitentiary, but, if the act passed in its present shape, they could not be too quick in setting about its enlargement, for it would certainly be filled. He did not know what the laws of Maryland and of Virginia were at the time of their adoption by the District; but he presumed they were nearly the same as they are now, and adapted to the government of slaves.

Mr. POWERS stated the provisions of the laws of Maryland on the subject.

Mr. SPENCER, of New York, said, the infliction of pain or punishment upon the offending individual was not the object of criminal law. It was to provide for the public safety alone; and in this respect no difference could exist between black or white, bond or free. It would certainly be wrong to punish slaves with more rigor than others, as their opportunities to acquire knowledge, and their inducements to practise virtue, were less than those of the white man. It would also be wrong to punish them less, as it would look like an inducement to the commission of crime. He thought the House could make no distinction in its provisions for their punishment.

Mr. SEMMES said, as a slave holder, and a representative from a slave holding State, he was entirely opposed to the amendment, for the reasons offered by the gentleman from New York, [Mr. SPENCER.] It was a most mistaken idea that it could be no punishment to a slave to confine him in a penitentiary. He would ask the gentlemen to look around on the condition of slaves in this District, at this enlightened age. Had they not as much to lose by their incarceration as the white man? Would they not be torn from their homes—the bosom of their families—and the enjoyment of their domestic comforts, by being condemned to prison? He contended that stripes were no

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adequate punishment for crime, and did not conduce to the reformation of the culprit. He was a member of the Legislature of Maryland, when the laws of that State were enacted to ameliorate the condition of its slaves, and to modify its former laws in relation to them; and he would now announce to the House, that it was the intention of the chairman of the committee, [Mr. POWERS] if the amendment did not prevail, to extend the laws of Virginia and Maryland, on this subject, to the District.

Mr. BOULDIN said, the laws of Virginia, and he believed those of Maryland also, provided for the payment of the price of each slave who was executed. He still contended that whatever speculations might be made on this subject, it would be found, by sober practice, that the interest of the master must be consulted, in the punishment of the slave. If the amendment were adopted, it would leave the committee at liberty to introduce a new bill, containing a short and simple plan of punishment for slaves.

Mr. POWERS said he must still decline acceding to the amendment.

Mr. DRAYTON feared, if this debate were continued, the object of the committee would be defeated. And, although he would not presume to lay down rules for the government of the committee, he suggested that the debate should be as circumscribed as possible. He believed it essential that freemen and slaves should be governed by different codes of laws; but he would be inclined to adopt a rather less sanguinary one for the government of the latter than the former, as they have not the same incitement to the practice of virtue as their masters have. The codes should, at all events, be distinct, and the danger of their conflicting avoided.

Mr. BURGESS said, he meant to make no improper allusions. He would not say that there were one class of individuals there, that knew more of the management of slaves than others, but he could not subscribe to some of the opinions advanced there. He could not believe that the condition of slaves was such, that being bound by links of steel, and lashed to a wheelbarrow during the day, and then turned into a solitary cell at night, had no terrors for him. He thought he was more a slave, who was deprived of the sight of the green earth, and the glorious sun, and the powers of the free exercise of his limbs, than he who was only held in common bondage. He would agree that these things were not quite so much a punishment to the slave as to the freeman; but he contended we had not the right, this side of the grave, so far to exercise the retributive powers of Almighty justice. If, in the exercise of the powers they possess, they infringed on personal liberty, or even life, it could only be so far as the public welfare called on them to act. He had been told of the failure of the penitentiary system, but these remarks could only apply to the manner in which it was formerly conducted, before the introduction of solitary confinement. When culprits were mingled in a mass, and suffered unrestrained intercourse with each other, in every hue of crime, it was to be expected that they would deteriorate; but such was not now the case. He said he would go any length to accommodate gentlemen in what he deemed to be right; but, before his country and his God, he could not consent to form one code of justice for the government of white men, and another for blacks.

The question was then taken on the amendment to insert the word "free," when there were, for the affirmative 50, for the negative 54. This not being a quorum, the question was again taken, and it was carried: yeas, 58—nays, 54.

Mr. WASHINGTON then moved an amendment, making the laws of Virginia and Maryland, in relation to slaves, binding in the District.

Mr. SPENCER, of New York, and several other members, wished to know what these laws were, before they voted for them.

Mr. SEMMES said, if gentlemen wished for the amelioration of the condition of slaves, they would effect their object by voting for the proposition.

Mr. BARBOUR followed in explanation of the laws of Virginia on this subject. After some further debate, however, the proposition was withdrawn.

Mr. WICKLIFFE proposed an amendment to the clause relating to assaults, with intent to kill.

Mr. SUTHERLAND suggested that the word "murder" would be more correct than "kill," which was the usual term. It would, he thought, be better to insert in such cases two counts, one for assault and battery, with intent, &c., and the other for the intent to murder; the jury could then decide upon the *quo animo* of the case before them. He referred to a case which he had formerly conducted, in which, by this means, the criminal had been convicted.

Mr. TAYLOR said, that, in his opinion, it was better to retain the words used in the ancient judicial practice. To kill, as applied to this, was, in the legal acceptance of the term, to kill feloniously; and such was the construction put upon the phrase by the highest authorities.

Mr. WICKLIFFE, after a few remarks, withdrew his amendment.

Various other amendments were proposed and adopted.

Mr. INGERSOLL moved to amend the bill, by adding to it a section providing to punish the crime of forcibly carrying away or seducing from the District, with intent to sell, free negroes, by fine, not exceeding five thousand dollars, and imprisonment for not more than seven years.

The amendment was agreed to.

Mr. WICKLIFFE proposed a further amendment to the bill, for the punishment of persons breaking into a dwelling-house during the day time.

Mr. SPENCER, of New York, stated, that he had never heard of such an offence as the one described. Breaking into a house by night, with intent to steal, is punished as burglary, because it disturbed the repose and hazarded the safety of the inmates. In the day time, however, there could be no offence of this nature committed, amounting in the eye of the law to burglary.

Mr. WICKLIFFE replied, he was reluctant to labor under an imputation of providing for the punishment of a crime which had never been heard of.

Mr. SPENCER, in explanation: I stated that it was a crime which I had never heard of.

Mr. WICKLIFFE resumed. He should not have alluded to the remark, but from the circumstance of its being made by so eminent and distinguished a jurist as the gentleman from New York; [Mr. SPENCER] nevertheless, he must still maintain that the breaking into a house in the day time was, under certain circumstances, equivalent to the crime of burglary during the night. He would instance a case which would demonstrate this: suppose a man leave his house during the day, in the pursuit of his usual avocations, in the care of a female of his family, and that some one entered his house with a felonious intent, or attempted to commit a felony, would the person injured be content with a system of law which indicted the prisoner for a mere assault and battery? It was for the protection of families from alarm and outrage, that he had moved the amendment in question. You must charge, [said Mr. W.] under the present law, the ruffian who breaks into a house during the day, with the most atrocious intentions; he does not accomplish his full purposes with intent to steal only; for which offence the punishment is a small fine, and, perhaps, six months' imprisonment. My amendment will prevent this very apportionment of punishments, and contribute, accordingly, to the safety of our fellow-citizens. With respect to the remark, that the proposition is novel, in as much as it provided for the punishment of an offence never heard of, he would only say, that he [Mr. Wickliffe] had, in his own State, Kentucky, been charged with

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the prosecution of such offences, and had convicted the offenders.

Mr. SPENCER repeated, that he had said he had never heard of such offences. If the necessity of such a provision could be shown, he should certainly give his ready assent to it.

After some further discussion, in which Mr. STORRS, of New York, Mr. WICKLIFFE, Mr. SPENCER, of New York, and Mr. TAYLOR took part, the amendment was negatived.

Mr. MARTIN submitted an amendment to the fourth section of the bill, providing that no person concerned in a duel shall be subject to an indictment for having been engaged in it, on his own testimony, during any part of the proceeding in the case of such duel.

The amendment was adopted.

Upon motion of Mr. POWERS, the committee then took up the bill for the appointment of commissioners to prepare a code of laws for the District of Columbia.

Mr. WICKLIFFE moved to amend the bill, by inserting a clause, that one at least of the three of the commissioners proposed to be appointed for that purpose should not be a resident of the District of Columbia.

The motion was negatived.

Mr. STERIGERE moved to strike out from the bill the words "by and with the consent of the Senate."

This motion was also negatived by the committee.

Several verbal amendments were proposed and agreed to.

Mr. STORRS, of New York, moved to reduce the sum to be appropriated from ten thousand dollars to six thousand five hundred dollars; which, after some remarks from Mr. POWERS, was agreed to.

Mr. WICKLIFFE moved a further amendment, granting to the commissioners the use of a room in the Capitol; which was agreed to.

The committee then rose, and reported; and,

On motion of Mr. VINTON,

The House adjourned.

FRIDAY, APRIL 9, 1830.

DISTRICT OF COLUMBIA.

The House took up the bill for the punishment of crimes in the District of Columbia, with the amendments reported by the Committee of the Whole.

Mr. A. SPENCER objected to the amendment which introduces the word "free" before "persons," and thus confines the operation of the bill to free persons. He repelled the idea that confinement to hard labor in the penitentiary would be no punishment to a slave, and entered into a train of reasoning to show that the discrimination was improper and inexpedient.

As discussion seemed about to arise on this bill, Mr. WHITTLESEY proposed that the House, according to the rule, take up the private docket, and the SPEAKER accordingly proceeded to the orders of the day.

SATURDAY, APRIL 10, 1830.

THE ARMY.

The House proceeded to consider the following resolution, reported some days ago from the Military Committee: "Resolved, That the Secretary of War be directed to report to this House, at the commencement of the next session, such an organization of the army of the United States as will reduce the number of its officers, without injury to the service."

A debate arose on this subject, which was terminated only by the expiration of the hour allotted for considering resolutions, of which the following is a sketch:

Mr. TAYLOR said, he was not himself, and he presumed the House was not, prepared to act upon this important subject, involving the question of a reduction of the army,

without discussion or reflection. He moved that the report and resolution be committed to the Committee of the Whole House on the state of the Union, and that they be printed.

Some remarks were here made by Messrs. SPEIGHT and DESHA.

Mr. DRAYTON said, he wished it to be distinctly understood, that he did not declare himself in favor of a reduction of the number of officers of the army. He did not deem it necessary to express an opinion on that subject. But he thought it altogether proper that the inquiry should be made. This was the whole object of the resolution.

Mr. TAYLOR said, he must still be allowed to consider this more than a mere resolution for inquiry. It directs the Secretary to submit a plan for the reduction of the army. He thought the first step should be, for the House to inquire whether such a reduction was proper to be made; but this the resolution takes for granted. It was in vain to say, that, by the passage of this resolution, the House would take no part on the question of further reducing the army. It would imply an expression of opinion that this reduction was proper, and it would go abroad to the people of this nation in that light. On the reduction of the army from ten thousand to six thousand men, in 1821, Mr. T. said he was one of those who advocated the measure. For this, he and his friends, who voted with him, were stigmatized as radicals, and as attempting to take away the right arm of the national defence. This was nine years ago, and he asked what they had done since? How many fortifications have been erected since, and how many men will it take to arm them properly to make them effective in the defence of the country? It is but a few days since the gentleman from South Carolina [Mr. DRAYTON] himself introduced a bill making appropriations for this very object. Is this a time, then, for this House, without debate and without investigation, to pass a vote that it is expedient to reduce the army? for this is the purport of the resolution. Mr. T. said it had been suggested to him to offer an amendment, calling on the Secretary of War merely for information on the subject; but he would not do even this. He believed that inquiry belonged exclusively to that House, and he did not think the mere opinion of the Secretary of War could aid them in arriving at a conclusion on the subject.

Mr. POLK said, he thought the gentleman from New York [Mr. TAYLOR] mistook the object of the resolution, as it was evidently only intended by it to institute an inquiry.

Mr. TAYLOR asked that the resolution might again be read; which being done,

Mr. POLK continued. He thought it a proper subject for inquiry, though he was not now prepared to express an opinion on the policy of continuing the present system of maintaining a skeleton of an army.

The SPEAKER *pro tem.* [the Hon. P. P. BARBOUR] remarked that the question was on the commitment of the resolution, and not on its merits.

Mr. POLK thought the delay incidental to a commitment to the Committee of the Whole on the state of the Union, was wholly unnecessary.

Mr. CAMBRELENG said, he fully concurred with his colleague, [Mr. TAYLOR] in the opinion expressed by him, that this was a proper subject for reference to the House, and its discussion while on the state of the Union. It was well known that officers, in what had just now been termed our "skeleton of an army," supported at the public expense, for future emergency, were more numerous, in strict proportion, than the privates. But it was also known that most of the disasters which befell our country at the commencement of the late war with Great Britain, arose from the want which we so deeply felt of experienced officers. It was not the business of the Secretary of War to instruct that House upon the policy of reducing the offi-

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ciers of the army to a minimum with the privates, or of preserving the precious "skeleton" of an army which we yet possessed—it was not a subject for him to decide, whether our army of officers was to be fostered or abandoned; but he believed it was a proper subject for reference to the Committee of the Whole on the state of the Union.

Mr. DRAYTON said, if he took the same view of the subject that the honorable gentlemen from New York [Messrs. TAYLOR and CAMBRELENG] did, he would readily concur with them in the propriety of the proposed reference. But he could not so view it; and he must still believe it a proper subject for reference to the Secretary of War. He was extremely anxious not to be misunderstood in this matter. He had by no means inferred that he had arrived at a conclusion that the army or its number of officers should be reduced, nor that they should be increased; though he was not sure that, on a proper investigation, he should not express one of these opinions. The proposed inquiry was far from being unprecedented; and he would ask if resolutions were not almost daily laid upon the table, and agreed to, for inquiries to which the House was opposed. The language of the resolution was certainly misconstrued. It called for such a plan as would not be injurious to the public service; and, if such a plan were submitted, he asked if the House would not feel bound to adopt it. As the object of the resolution was a mere inquiry, he thought it should be sanctioned.

Mr. EVERETT, of Massachusetts, said, as the object was merely that of inquiry, he would propose to amend the resolution by adding "if, in his opinion, such reduction can be made" without injury, &c.

[A motion being pending to commit the resolution to a Committee of the Whole, this amendment was not in order.]

Mr. DESHA said, he rose to reply to the gentlemen from New York, [Messrs. TAYLOR and CAMBRELENG] who had adverted to the policy of the Government in the present organization of the army, as a resort in future emergencies. Experience had fully proved that the service of an officer in time of peace did not improve his capacities, or qualify him for the exigencies of war; on the contrary, such had ever been found the most inefficient.

Mr. VANCE expressed his opposition to any project for disturbing the present established organization of the army. The detached service on which this small corps was employed, required a greater proportion of officers than if they were kept in more compact order.

The SPEAKER again reminded gentlemen that the merits of a resolution was not a subject for debate, on a motion to commit it.

Mr. VANCE said, he believed its commitment would amount to its rejection, as it could not be reached this session in the regular succession of business.

Mr. DWIGHT said, he was equally opposed to the resolution, with other gentlemen who had addressed the House. [Order.] The reason why he was in favor of its commitment to the Committee of the Whole on the state of the Union, was to give an opportunity for discussing whether the Government would abandon fortifications for which they had appropriated ten millions of dollars. The defence of our sea coast alone, on which these fortifications are erected, requires in time of war forty thousand men, and in time of peace twelve thousand; while, at this moment, we have not five thousand men in service. He would ask, if it was supposed the Secretary of War could instruct the House that five thousand men were too many for the service of twelve millions of inhabitants. The agitation of this question [he said] must tend to destroy the confidence in the Government, which it was desirable should be possessed by men, who, he did not hesitate to say, were as talented, worthy, and brave, as those of any army of its size in the world.

Mr. WILDE said, he was in favor of the motion for the

commitment of the resolution, because the inquiry appeared to him to be altogether an improper one. The resolution also seemed more than a simple inquiry. It indicated something like an opinion, on the part of the House, that some alteration might be made in the present organization of the army, and he must entertain an opinion of that sort himself, before he could vote for it. The various suggestions it contained were all proper subjects for the consideration of that House, and not for the Secretary of War. We do not call upon him to know whether it is necessary or proper for us to diminish or increase our fortifications, or whether we will abolish or continue the Military Academy, that nursery of officers. Mr. W. said he was a member of that House at the close of the late war, when the calamities we had suffered for the want of a well organized army in its beginning, were fresh in their memories. Perhaps their feelings at that time might have carried them too far in providing for future emergencies; if so, he was willing to bear his due proportion of the blame. It seemed to be admitted that the number of privates was not too great for the necessities of the service. It was only the officers against whom the inquiry was directed. Experience had demonstrated that it would be much easier to procure men on the recurrence of a war, than it was to have them properly commanded.

The SPEAKER again remarked that a debate upon the merits of the resolution was inadmissible.

Mr. WILDE said, he was sorry to infringe on any of the rules of order of the House, but he felt the necessity, and he wished to impress it upon the minds of members, to reflect what would be their condition, if they proceeded to pass a vote for another reduction of the army, for such, he considered, was the purport of the resolution proposed.

Mr. W. was about to proceed, when the SPEAKER announced the expiration of the hour allotted to resolutions.

MONDAY, APRIL 12, 1830.

KENTUCKY DEAF AND DUMB ASYLUM.

Mr. BAYLOR, from the committee appointed on the 28th of December last, to which was referred, on the 18th of February last, the petition of the trustees of Centre College, of Kentucky, who are also the trustees of the Kentucky Institution for the tuition of the Deaf and Dumb; reported a bill to amend an act entitled "An act for the benefit of the incorporated Kentucky Asylum for teaching the Deaf and Dumb;" and to extend the time for selling the land granted by said act.

Mr. KINCAID rose in explanation, and support of the bill. He observed that its object was simple and reasonable; being to extend the time which had been allowed to the Deaf and Dumb Asylum of Kentucky in the original act to dispose of the land granted to it by Congress. The act had been passed on the 5th of April, 1826: it granted to the institution one township of land, to be located under the direction of the Secretary of the Treasury, and made it the duty of the said corporation to sell the land within five years from the passage of the act; the same to be located in one of the territories, on land on which the Indian title had been extinguished.

Difficulties of various kinds had occurred in complying with the terms of the act, in consequence of which the sale had been so far retarded, that, if the terms of the original grant should be insisted upon, the trustees would be compelled to part with the residue of the land, (consisting of about one-third part of the whole,) at a great sacrifice. Under these circumstances, they had presented their petition to Congress, praying that the time might be extended to five years longer.

The nature and causes of the difficulties which had retarded the sale were well explained in a letter written to him by R. C. Allen, Esq. the agent of the institution in

Florida, (in which territory the lands had been located,) and which he asked might be read at the Clerk's table.

It was read accordingly; when,

Mr. WHITE, of Florida, said, he regretted that an imperious sense of public duty compelled him to oppose any measure that had the appearance of promoting any charitable or humane object. He was impressed with a belief that when the House was informed of the history of this grant, and the proceedings under it, they would be inclined to think that charity had already suffered much, and that some of that feeling now invoked for the passage of this bill ought to be extended to his constituents. In 1826, an application was made to Congress for a grant of a township of land to the incorporated Asylum for teaching the Deaf and Dumb in Kentucky. He did not, upon that, or any other occasion, interpose any objection to prevent the most munificent bounty of the Government for so benevolent an object. It was not his province to inquire into the expediency or power of Congress to make grants of the public lands for any object. It was his duty, however, to guard, as far as possible, the interests of the people of Florida against any injury which might happen to them in the profusion of the nation's bounty. Every one acquainted with the surveys of the public lands must know that a township is one of the legal divisions, six miles square, containing nine sections of six hundred and forty acres each. It was the intention of Congress that this land should be selected in one body, according to the surveys, as that of General Lafayette's was, and all the other grants of a similar nature. This land was not so selected. A powerful influence was enlisted to pervert the law, and induce the Secretary of the Treasury to reverse all the decisions previously made in the construction of similar laws, and to allow the selection in small bodies all over the territory. The late Secretary of State was induced to use his influence with the Secretary of the Treasury to have the land located in small bodies, and it was accordingly so ordered. This decision, made, as I have said, against all precedent, gave to the institution land four times as valuable as any one entire township in the country would have been. Not content with this advantage, an attempt was made to place these selections over the farms and houses of all the poor settlers in the country, contrary to a law that secured the possession of these meritorious occupants, and in violation of the pledges of the representatives here made, to prevent any opposition to the bill. I had visited that institution, had my sympathies strongly enlisted in its favor, and was desirous that the bill should pass, if it was not injurious to my constituents. This attempt to place the grant over their houses and farms, produced the embarrassments alluded to by the gentleman from Kentucky. How far it will constitute a claim for indulgence from this House, I cannot say; but, judging from my own feelings, I cannot suppose it will have much effect. I mention this to show how highly this institution, by the influence of the late Secretary of State, has already been favored.

I have two objections, however, to the passage of this bill, which I humbly conceive, with all the benevolent feelings in favor of the institution, the House will consider reasonable and well founded. This grant was accepted, upon the express condition that it should be sold within five years. The United States parted with the title, and the condition was for the benefit of the Territory of Florida. This is a question now, in which the United States have no concern; and I doubt their power to extend the condition of a grant, to the injury of a third person, or party, by removing restrictions intended for their benefit. A bill has already passed the Senate, granting six or eight townships of land to all the large States, to be located in the territories.

If that bill should get through this House, of which there is every prospect, from the combination in its favor,

with the privilege of holding up the land five years, and with the certainty of a prolongation of five more, upon the precedent now about to be established, the territories, instead of being colonies of the United States, will be held by Deaf and Dumb Corporations, who will sell them out as the funds may be required for the purposes of their institutions. I humbly hope, sir, Congress is not prepared to adopt a policy so unwise, a system so destructive of all the hopes and prospects of the territories. It was my good fortune, once, to defeat a bill like this, by moving an amendment, that the lands granted should be sold at public auction at once. This produced a discussion, which resulted in the postponement of the bill.

If this course is persisted in, the population of the country will be checked, its settlement retarded, and the most injurious results produced. The honorable gentleman from Kentucky is mistaken in supposing that the time asked for is required. The land now selected can be sold for five dollars per acre, which will make this grant worth more than one hundred thousand dollars.

They can sell every acre within the time now limited by law, at that price; and so far from there being any danger of their suffering from speculators, if this extension is allowed, it will enable this charitable institution to become, itself, a speculator, to the injury of the people of Florida. Upon the ground, then, that it is unnecessary and impolitic, that it is a violation of the condition of the grant, and injurious to my constituents and the country, I move an indefinite postponement of the bill.

Mr. KINCAID addressed the House in reply, observing that they would perceive from the letter of the agent that the land had been disposed of, excepting about one-third, which still remained on hand; and although he supposed, from the remarks of the honorable gentleman from Florida, that it was worth five dollars per acre, and he hoped even more than that, yet he could not agree with him that it would at present command that sum; no such offers were made to the agent; but, on the contrary, the highest bid made for any part of it was about three dollars per acre, and, for the greater portion which lay out of the settlements, no offer whatever was made. Should the gentleman's motion, therefore, succeed, the amount now on hand would have to be got rid of within less than one year from this time: a great sacrifice must be the inevitable result. There were no buyers to bid for it but land speculators, who, being apprised of the terms of the grant, were now lying by, in hopes of getting a great bargain.

Mr. K. said, the argument that the House had not the power to pass this bill, was pretty much an argument of course in the discussions here, which he would permit on this occasion to pass; but, in answer to the other arguments advanced by the gentleman, he felt it his duty again briefly to explain to the House how the difficulties had arisen which had operated to prevent the trustees from disposing of the land as they had hoped and expected to do, within the period at first fixed by law.

The grant, as he had before stated, had passed the House in April, 1826; but, at the same session, an act was passed granting the right of pre-emption to "every person who had actually inhabited and cultivated a tract of land lying in either of the districts established for the sale of public lands in the Territory of Florida, which tract was not rightfully claimed by any other person, and who should not have removed from the territory." The trustees would doubtless have taken their land in one undivided township, but they had found it impossible (unless they had taken what was worthless) to find any township which did not include the improvements of some of those settlers who were entitled to the right of pre-emption to which he had just referred. Under these circumstances, the trustees had applied to the Secretary of the Treasury for instructions and advice; (the act having declared that the land should be located "under his direction.") That

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officer, after a careful examination of the law, was of opinion that it permitted the location of the land in tracts of a smaller size than an entire township, and they made their locations accordingly. But still within some of the sections, there were settlements which had indeed been abandoned, but whose owners, not having removed from the territory, were entitled to pre-emption. Finding such to be the case, the trustees were under the necessity of applying to Congress: and, in 1827, a law was passed providing "that the incorporated Deaf and Dumb Asylum of Kentucky shall have the power, under the direction of the Secretary of the Treasury, of locating so much of the township of land granted to the said institution, as has been taken by the claims of those who are entitled to the right of pre-emption in the Territory of Florida, under the provisions of the act aforesaid, which shall be located in sections upon any unappropriated and unreserved lands in either of the Territories of Florida or Arkansas." Leave to re-locate being thus obtained, they located once more; but the true position of the boundary line between Florida and Alabama not being then accurately known, it happened, as he was informed, that a considerable part of the land had unintentionally been located within the State of Alabama. The mistake being discovered, a new location had to be made. In the mean time, to add yet further to the impediments and difficulties they had to contend with, their agent died; by which several months' further delay was occasioned. At length, however, the entire amount of the land granted was located in such a manner, he believed, as not to interfere with any improvements of the settlers. Sales were effected as before remarked, until all that portion of the land, or nearly so, which lay within the limits of the settlement, was disposed of; but, for the residue lying without the settlement, there was at present no demand.

Mr. K. said that the trustees had no wish to impose on the people of Florida, nor did they ask to retard the settlement of the territory; but, on the other hand, they were unwilling to be forced into the hands of speculators. The question for the House now to determine was, whether these unfortunate deaf and dumb children, to whom the Government had extended the hand of beneficence, should be defrauded of the boon by a sacrifice of the land intended for their benefit. The institution was of a highly interesting character, and had a strong claim on the humanity of all who could pity the destitute. It was at present in a prosperous condition, supplied with instructors of the first abilities, and in circumstances to receive and educate perhaps all the deaf and dumb children in the western States. He trusted the House would interpose its aid, and shield the children of its own benefactor from so great an injury, by rejecting the motion for postponement, and putting the bill in a train for its final passage, by ordering it to its third reading.

Mr. VINTON having made a few remarks in support of the bill,

Mr. SPEIGHT, of North Carolina, moved to lay it upon the table.

Mr. LETCHER begged the gentleman to withdraw that motion, as it was highly important to the prosperity of the institution that no further delay should occur. He hoped it was not the wish of any gentleman to do it an irreparable injury. The bill must pass now or never. It would occupy the time of the House but a very few minutes.

Mr. SPEIGHT withdrew his motion.

Mr. LETCHER then said that he regretted to see his friend from Florida making such strenuous opposition to this small bill; and he was persuaded that the source of that gentleman's hostility was to be attributed to feeling; and to over-anxiety, lest some injury might happen to his territory, rather than to any solid reasons. The difficulties which had occurred heretofore in the location and sale of the land granted by Congress to the Kentucky institution,

and to which reference had been made by the gentleman, had nothing to do with the present bill. The land had been granted them under condition that it should be sold within five years. For reasons which had been very fully explained, the trustees would not be able to comply with this condition. The gentleman had contended that a further delay would be injurious to the territory; and had affirmed, that, at the end of another five years, the land, instead of being worth five dollars, as at present, would probably be worth twenty. Now, if Congress, in its benevolence, had seen fit to grant a tract of land to the most unfortunate of the human race, would any gentleman on that floor say that the guardians of these deaf and dumb children should be compelled to sell their land for five dollars, when they might get twenty? Surely not. The fact, if it was as the gentleman supposed, was the very best reason, not against, but in favor of the bill. It would not take long, however, to prove that, if compelled to sell now, they could not get five dollars an acre, or any thing like it. What individual, sir, ever receives an adequate price for his property, if compelled to sell within a limited period? Is he not forced to sacrifice it himself, or allow the officer of the law to do it? My observation through life points out at this moment no exception. The speculator, always heartless and vigilant, is waiting with impatience for one thus embarrassed and pressed. He listens to no argument addressed to his sympathy or his justice—no appeal that necessity compels the sale, and therefore he ought to give a fair consideration. No, sir, that is the very kind of case he has been anxiously looking for; and, prompted by his cupidity, he will ruin the seller for the sake of his own gain. And would not this be the fact in reference to the lands given to the Kentucky Deaf and Dumb Asylum, if forced into the market? Would they not be sacrificed? Could any gentleman seriously suppose, that, if it was known to all the buyers that the land must be sold or forfeited within a given time, they would offer five dollars an acre for it? One would underbid, and another would underbid, and finally the object of the benevolence of the Government would be completely defeated. The institution is going on prosperously; it sustained a high character, and promised very extensive utility. All it asked was for a little time. Its property was rising; and would soon command a respectable price. If the sale were compelled at present, the land must necessarily fall into the hands of speculators; and how would the Territory of Florida be benefited by the change? The speculators would not be compelled to settle the land, and would be sure to keep it up for higher prices. Florida would not be settled any sooner in the one case than in the other. If, however, gentlemen were desirous of defeating their own benevolence, all they had to do was to vote for the motion of postponement, and then the greedy speculator would carry away the patrimony of these poor deaf and dumb children. Why should the House refuse to extend the time for sale? If ten years, instead of five, had been asked in the first instance, the one period would have been as readily granted as the other. The trustees had proved their willingness to sell, for they had actually sold two-thirds of the land. Why not allow them the requisite time to dispose of the residue?

Mr. L. said, he had no personal motive in supporting the bill; the institution was not within his district; but he was acquainted with its condition, knew it to be well conducted, and to enjoy a high reputation. It was filled with interesting youth, whose unfortunate privation bespoke for them the compassion of every benevolent heart. The gentleman from Florida, however, was unwilling to pass this bill, because there were other bills on the table containing grants of a similar character. But if that were the case, when those bills should come up, the gentleman could oppose them if he felt it to be his duty, but ought not to urge his expectation of other bills as an argument

against this one. A more reasonable and unexceptionable request than that of the trustees of this institution could not be made, and he felt perfectly confident it would be unhesitatingly granted by the House.

Mr. VINTON said that he hoped the bill would pass. He could not think with the gentleman from Florida, that there was reason to apprehend the institution to which the land in question belongs would attempt to hold up its land from sale, so as to avail itself of an enhanced price by that means. It must be recollected, this was a charitable institution, and, like all such institutions in this country, presumed to be in want of money. The land was in a state of nature, and situated in advance of the settlements; it is, therefore, quite apparent that the institution can never clear up and cultivate this land, so as to make it productive of revenue. As long as the land remained unsold, it must be dead and unproductive property. It will, therefore, always be the interest of the institution to sell this land, when and as fast as it can be disposed of at its fair value, and for less than that it ought not to be compelled to part with its property. It can never be the interest of the institution to hold up the land, and pay the taxes that would be assessed upon it: as I understand the gentleman from Kentucky, [Mr. KINCAID] the grant will be forfeited, unless the residue on hand is disposed of within a twelve-month from now; and that about eight thousand acres remain unsold. Now, sir, every day, and every hour, diminishes the value of this land to its present owners. There are millions of acres of land, both public and private, beyond any present demand for settlement, in market, in Florida and every part of the western and southwestern sections of the United States. Many gentlemen on this floor, from those sections, who are proprietors of uncultivated lands, very well know that an individual who was obliged to dispose of eight thousand acres of wild land in the short period of a year, would necessarily be compelled to sacrifice nearly the full value of his property. This institution can do no more than an individual, to effect sales on fair terms. It is therefore obvious, that, unless we grant the time proposed by the bill, which he thought quite little enough, the property of this charitable and humane institution would fall a prey to speculators, who would buy on their own terms, perhaps for one or two dollars per acre, land which, from the remarks of the gentleman from Florida, there is reason to think may be worth ten or twenty times that amount.

Mr. WHITE briefly replied to Mr. LETCHER and Mr. VINTON.

Mr. ISACKS was in favor of the bill, but thought the time asked was longer than necessary; and moved to reduce the proposed extension to three, instead of five years.

Mr. DANIEL opposed the amendment, and supported the bill.

The question was put successively on the amendment and the indefinite postponement, and both motions were negatived by large majorities.

Mr. WHITE then moved an amendment, to provide that the lands should be liable to taxation as private lands; which motion was also negatived; and

The bill was ordered to a third reading, by a large majority.

The House again went into Committee of the Whole, Mr. HAYNES in the chair, on the

BUFFALO AND NEW ORLEANS ROAD BILL.

Mr. MERCER rose, and spoke two hours in continuation and conclusion of the speech which he commenced in support of the bill when it was last under consideration.

Mr. HUBBARD said, it must have occurred to every individual who had observed the course of proceedings in the Congress of the United States since the adoption of our constitution, that a most important and somewhat extraordinary change had taken place in the character of its legis-

lation within the last fifteen years of our history. Instead of now being confined to an equitable adjustment of our exterior relations—instead of now being confined to the transaction of our public business, and to the liquidation of private claims against the Government—instead of being limited exclusively to measures designed for the common defence, or for the advancement of the general welfare—instead of having the legislative action of Congress confined to objects of this character—instead of giving heed to those things which shall, in effect, advance the great interests of the republic—of this whole republic—instead of providing ways and means to extinguish our national debt, and to secure a revenue, for the further purpose of defraying the necessary expenditures of the Government—it would seem that, within the period named, the legislation of Congress has, to an alarming extent, been directed to local and limited objects. It would seem that the course of our modern legislation has been for the protection of the few, to the injury of the many; and from the numerous and multifarious applications which have flooded in upon us since the commencement of the present session, to appropriate portions of the common fund to objects of local and internal improvement, it would seem to be the order of the day, that we should sit here, as session justices—receive petitions for new highways—hear the reasons for and against—pass judgment thereon; and should the contemplated improvement begin in one, and end in another State, we are at once to give it the name of national—send forth our brigade of engineers, to mark and survey, and return to us a profile of the improvement.

Such proceedings are not unfrequent in my own region of country: they, in truth, constitute almost exclusively the jurisdiction of "the session courts in New England." But, in my judgment, they illy comport with the dignity, or accord with the legitimate action of Congress. The little excitement which was manifested the other morning while this bill was under discussion, when it was proposed by one gentleman to change the route so as to pass the other side of the mountain; by another, to confine the course to the metropolitan route; and, when it was suggested by a third that he could not, as much as he loved his constituents, through whose territory the road was intended to pass, "go for the whole hog," that he must stop at Memphis—it could not fail to bring to mind the events which ordinarily happen whenever applications are made for the laying out of new roads, especially when such contemplated improvements would, in effect, divert the public travel from the doors of our early settlers: on this subject, more than on any other, the people are peculiarly sensitive; and the scramble over the way satisfied my mind, most conclusively, of this fact, that each of the parties litigant conscientiously believed that this great national road, to give it a more perfect national character, should pass directly through his own national district. The gentlemen were not prepared to go quite as far as a very honest but zealous yankee did on a certain occasion, when an application had been presented to the proper authority for a new road, and which, if established, would divert the travel from his own door: he declared its impolicy in the most emphatic manner, by alleging that, starting from the given point, and travelling either north or south, east or west, you must pass his own habitation. No, the gentlemen who were engaged in asserting the claims of their favorite routes, were not quite so extravagant as my own countryman. But, from what was then heard, from what was then seen, from what is invariably heard and seen on similar occasions, we are forced to say, "O, judgment, thou art fled." The various plans of the parties concerned could not fail to impress our minds, that, starting from Buffalo, going east, southeast, southwest, or south, or, according to the mighty project of my friend [Mr. RICHARDSON] from Massachusetts, going northeast to the waters

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of Champlain, still we should be conducted on the great national road from the northern and the western lakes to the Gulf of Mexico, from Buffalo to New Orleans. Yes, it does seem, from what has transpired, that we are hereafter to be constituted as the great road court of the country; and whenever a new highway shall be wanted in any one of the States of this Union, which may, by chance, accommodate an itinerant citizen from another State, it is at once to receive the baptismal name of national, and thus be presented to our consideration; and with such an imposing character, (judging from what has taken place,) it will not fail to receive the deliberate and successful attention of Congress. I should not have submitted any remarks to the committee on this subject, did I not feel constrained by a sense of duty, a duty which I owe to my constituents, to state, most distinctly, the reasons which have induced me, and I presume my colleagues, to vote against the bill which has already passed, making appropriations for the Cumberland road; and which will induce me to vote against the bill now under consideration. Before I proceed to state my objections to this bill, I must ask the indulgence of the committee for a few minutes, while I advert to some of the reasons which were urged by my worthy friend from Massachusetts [Mr. RICHARDSON] in favor of the measure. If I rightly understood that gentleman, this project had his support; that his feelings were warmly enlisted in its favor, not on account of its own intrinsic merits, but for the reason that it might and would lead to other improvements nearer and of more interest to him and his constituents, and which could not fail to secure New England influence in favor of this system of internal improvements. And the gentleman, with great sagacity, and with his usual force, for the purpose of getting up a New England excitement favorable to this project, and for the purpose of securing the votes of her delegation in favor of this measure, proposes to connect with the project now under consideration, a plan for extending the road from Buffalo to the waters of Champlain, and from thence to the great market town in New England. And the gentleman has gravely told us that a road of such extensive dimensions, passing from New Orleans, by the way of Buffalo and Champlain, to the city of Boston, through not less than twelve States of this Union, would be so national in its character, so grand in its object, of such vast importance in a commercial and in a military point of view to the country, that it would be so conducive to the common defence and the general welfare of the republic, that he should feel constrained with all his heart, strength, and mind, to give to such a mighty measure his most unqualified support.

If the gentleman had been a little more comprehensive in his extended plan, he might possibly have hushed, in every part of New England, the silent murmur of discontent. If, after winding through Vermont, he had passed down the banks of the Connecticut, by Hartford, to Saybrook, and from thence had continued a metropolitan route by Newport and Providence to Boston; if the gentleman had enlarged his plan by establishing one other branch, passing from the lake to the Connecticut, thence through the White Hills to Portland, and from thence on a metropolitan route through Portsmouth to Boston, he would have added three more States of the Union to his number, and the plan would have been so national in its character and in its object, would so much increase the facilities for commercial intercourse, would so essentially aid the military operations of the country, would so directly contribute to expediting the conveyance of the public mail, that, if the gentleman is not mistaken in his doctrine; every yankee voice in New England would be loud and clamorous in favor of this mighty scheme. But, if the gentleman has erected his superstructure on a sandy foundation, it will ultimately fall. If reason and if fact stand opposed to the improvement contemplated by the gentleman

from Massachusetts, he can never expect the co-operation of the intelligent yeomanry of New England. They will not be deceived. They can never yield their assent to a measure of so great and so gross injustice as the one now under consideration. They never will voluntarily agree to such an inequitable distribution of the common fund, as is provided by the present bill, or even as would be provided by the bill with the gentleman's amendment.

Let us examine with some minuteness the plan of the gentleman from Massachusetts, and see whether New England should give her aid for the road from Buffalo to New Orleans, with the belief that this contemplated addition would be of the least practical advantage to a single State within her borders. Whether, in truth, if the whole plan of the gentleman could be perfected, it would not hereafter operate to our detriment, at some future period of our history, when our surplus revenue shall be divided among the several States upon principles of justice and equity—will it not then be said, that the national road of the gentleman from Massachusetts has swallowed up the portion of New England? Believing, as I do, that for no national purpose whatever can a new and independent way be wanted from Buffalo to Boston—believing, as I do, that the construction of such a road would not add to the existing facilities of communication in any point of view—I cannot consent to tax my constituents with such an unnecessary expenditure of the public treasure, even within the territorial limits of New England. It would be a measure of great inexpediency, and to New England herself the height of impolicy. Her doctrine now is, ever has been, and ever will be—waste not the common fund, but mete out to her and to every section of the Union the measure of equal justice. She asks no more at your hands; with less she ought not to be, and never will be, willingly satisfied. I could not have supposed it possible that any individual, with a knowledge of the existing facilities of communication between the interior and the market of New England, could have conceived the idea of constructing a new national road at the cost and charge of the United States, from Boston to Lake Champlain, and from Champlain to Buffalo. It looks to me like one of the most extravagant fantasies that ever entered the head of the most extravagant enthusiast. The present exigency of the country for any national purposes does not call for such a road. If such a road was at this moment well constructed and made, it could not, in the nature of things, tend to increase the commercial intercourse, or to augment the facilities of communication between those two points. There is but little difference between the latitudes of Buffalo and Boston. And establish railroads, or any other facilities of communication, from Lake Erie to Boston; give them, if you please, the imposing name of national ways, and you could not then induce the farmer, destined to market with the produce of his farm, to cross the Hudson. No; when he arrives there, he well knows that, in twelve hours, he can be conveyed to the largest and to the best market in our country, by the safest, most direct, and most expeditious way and mode. And as soon would you find fire in ice, as find the farmer of Buffalo travelling on the gentleman's national road, with his pigs and his poultry, to the market of New England. Men never will voluntarily act against their own interest. The Erie and the Champlain canals, and the waters of the Hudson, have brought the market of New York near to the farmers of the northern and the western lakes; and it would not happen, that such an intelligent and sagacious body of people as compose the farming interests in those regions of country, would ever transport their produce from the Hudson, two hundred miles, either over railroads or national roads, to the market of New England. But this is not all. The gentleman must, according to his scheme, leave the western canals—the great highway of the western country—and wind his way through the inte-

prior of New York; and, if he designs to find the waters of Champlain at Plattsburg, he would carry us in a north-eastern direction, into the northeast county, and almost to the northeast corner of that State. In such an excursive range, he would assuredly lose his point of compass; he would find himself two degrees, at least, north of his line. But the gentleman, probably, goes on this principle, that the more circuitous the route, the more national the object. From Plattsburg the gentleman would undoubtedly transport us across the lake, on floating bridges, to Burlington; from thence, on his national road, by Onion river, to Montpelier; from thence, by White river, to Hartford, in Vermont; and from thence, by Concord, in New Hampshire, to Boston.

This looks well on paper, it sounds well in story; it may have entered the imaginations of some of the most zealous friends of internal improvement within the limits of New England. It may, for aught I know, be among the numerous plans in contemplation, upon which the surplus revenue, the property of all, the common fund of the nation, is hereafter to be expended. But, mark my word: the warmest supporters of these measures will never live to see a road constructed and supported by this Government from Buffalo to Boston. Some New England gentlemen may honestly believe that it may take place; some gentlemen may sincerely wish it. But, for one, I am incredulous. The influence of New England never has, and never can be successfully exerted in obtaining appropriations from the common fund for the purpose of accomplishing local objects of internal improvement within her own limits. If considerations of interest should control my vote on this question, as one of the delegation from New England, as one disposed to look to her interest, I should feel constrained to oppose, in every shape, the appropriation of the public money for local purposes. But other considerations, in connexion, which I shall take the liberty soon to suggest, have produced on my mind the conviction that I have no right to put my hand into the public treasury, and draw from thence, for particular and local objects, any portion of the public fund, the property of all, without the consent of all.

I have said that the expectations, the hopes of the gentleman from Massachusetts would never be realized. And why? For this plain, this forcible reason: there does not exist any necessity for this great and contemplated improvement. The condition of the highways from the lakes to the ocean forbids the idea that millions of the public treasure will be expended in effecting improvements not absolutely required by the exigencies of the country. No, if we can, and if we will, go on in appropriating money, or parts of the public domain, for local and particular objects, the West and the Southwest will be ready, with open arms and with irresistible claims, for years yet to come, to receive all that can be spared from your public treasury. It will be said, and be said with effect, when the proposed amendment of my friend from Massachusetts shall be under consideration, that Vermont, New Hampshire, and Massachusetts have already anticipated the Government, that their roads are already well made.

You do not, as might be imagined from the character of the proposition, and from the remarks of the gentleman from Massachusetts, after crossing the waters of the northern lake, pass into a trackless wilderness. No; but you find a highly cultivated country; a rich, a prosperous, and an enterprising people; men who know the value of your institutions; men who have fought for your liberties; men who are patriots, not in word but in deed; men who have, by their own pecuniary and physical means, constructed as fine "national" roads from the lake to the ocean, as honest hearts could desire, as faithful hands have ever wrought. And, unless I greatly misjudge, the good people of my own State would not wish to have the common fund appropriated in the furtherance of such a project.

If a portion is to be dealt out to my own State, New Hampshire should direct and control its expenditure. It is not in her heart to desire any unnecessary, any useless expenditure of the common property, even if that expenditure should be made within her own territory. No such sentiment, no such feeling exists among the people of that granite State. The general welfare is her text and her commentary. It is perfectly true that the country cannot boast of better roads, roads wrought with her own hands, than are now to be found in the very route and over the very ground hereinbefore described; and which route must have entered the imagination of the gentleman, when he conceived his grand national project.

If I am mistaken in the contemplated plan of my friend from Massachusetts—if it is his purpose to strike the waters of Champlain at Whitehall, and wind his way through Vermont to the banks of Connecticut, near my own native village, and from thence to the market of New England, I would merely suggest that all that I have said in relation to the inexpediency and impolicy of the measure, on the northern route, will apply with equal force to the course last alluded to. It is well known that, from the Connecticut river, through this section of New Hampshire and Massachusetts, every facility is already furnished, at the exclusive charge of those States, for the transportation of the farmer's produce, for the accommodation and comfort of the traveller, as far as the construction and completion of good roads can furnish such facilities. The present exigencies of the country do not call for this improvement through those sections of New England. And her influence should not be enlisted in favor of the bill before us, from the idea that the contemplated amendment of the gentleman from Massachusetts will be adopted. The true policy of those in New England who are the devoted friends of a system of internal improvements, most clearly is, a just and equal distribution of the common fund, upon the principle of representation, to be expended under the direction of the States. This would give to her equal rights. Without this, New England never can, and never will, have meted out to her a full measure of justice. The existing state of her roads, and the existing facilities for internal communication, forbid the idea; and her delegation, looking solely to her interests, would do well, in my judgment, to oppose every appropriation for improvements in any one State, without an equitable appropriation, upon the principle just stated, to the other members of the Union.

In New Hampshire, not a dollar of the common fund has ever been expended in the construction of her public roads. The people of that State have, by their own voluntary contributions, established and made every road within her limits. I have said that these roads are wrought by the voluntary contribution of the people. The remark needs explanation.

The members of the town corporations in New Hampshire—the purest democracies in the known world—assemble at stated periods, with equal rights and equal privileges. The man who has attained the age of twenty-one years, whether he be or not the owner of property, has the same political power as the richest of his neighbors. And, at these primary meetings, composed of the people, who are most emphatically the true sovereigns of this part of our country, money is voluntarily voted, for the purpose of making and repairing public highways, and for the further and worthy object of instructing and educating the rising generation. For these and for all other purposes necessary for the well being of society, the people freely vote to tax themselves. In this way, not less than two hundred thousand dollars is annually raised in New Hampshire, for the making and repairing of their public roads. In this way, but little less than a like amount is annually raised for the support of her free schools. And the money is not only raised, but it is most faithfully applied and expended; and, "year following year," the people reap their

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reward, in the improved condition of their public ways, and in the improved state of those who shall come after them. In New Hampshire, the cultivators are generally the owners of the soil. Her practical husbandmen are the yeomanry of her State. Her citizens are not less distinguished for their habits of industry than for the purity of their patriotism.

In the manner I have stated, by the application of our own means, have all the improvements in the roads and canals in New Hampshire been made; and it cannot be supposed that I would be silent, with a knowledge of these facts, and see drawn, indirectly, from the pockets of my fellow-citizens, annually, the enormous tax of two hundred thousand dollars, (which I will attempt soon to explain,) for the purpose of constructing new roads in Pennsylvania, Virginia, and Carolina, three of the oldest sisters in the confederacy.

No, I feel myself called upon most solemnly to protest against a measure of so gross injustice. True it is, that Virginia has been first and foremost in opposing this encroachment on constitutional right. True it is, that a majority of her delegation will stand forth now in opposition to the measure before us. But it is no less true, that the bill contemplates the construction of this national road through a portion of her territory. Whether with or without her consent, I know not. But my argument is, if this road is wanted for any public purpose—if it is necessary—let Virginia follow the example of New Hampshire. Let this road, within her limits, be made by her own pecuniary and physical means. And whenever such a necessity shall exist—whenever the exigencies of the country shall require a new and continuous national road from the seat of Government to New Orleans—there can be no doubt, from the course which Virginia has heretofore taken, that she will construct this road, within her own limits, unaided by the General Government.

The gentleman from Virginia, [Mr. ALCORN] who addressed the committee a few days since, remarked, that if any appropriations were to be made for purposes of internal improvement, they should be given to the West. I do not stand here to make any sectional distinctions; I do not intend to controvert that point with the gentleman from Virginia; it is enough for me to know, that on this question we shall act in unison; but I would wish to put the gentleman right. As far as it respects the State which I, in part, represent, the remark is unjust. I have heretofore stated, what is strictly true, that not a dollar of the public money has ever been expended in the construction of her roads. No such remark can with truth be applied to the western States. True, in New Hampshire, a light-house has been built near the outlet of the harbor at Portsmouth; a measure which was of all importance to the safety of our public as well as of our private ships. True, a navy yard has been established within her limits, and wisely and judiciously established; and if it were necessary to show this, I think I should find little difficulty in satisfying this committee, that, notwithstanding the bewildering fogs which at times hover over our sea coast, the navy yard at Portsmouth, considering its perfect security, and the entire safety of that harbor, should be sustained. Yet, sir, this pittance, if reports and rumors are to be relied upon, is soon to be denied us. These works are exclusively national; they do not materially affect the State in which they are located; works which were established with a proper view to the general welfare. And, while the western States have been permitted to carve liberally from the public domain, for their benefit, the State of New Hampshire has, unaided, managed her own affairs in her own way. While appropriations, exceeding in amount seven millions of dollars, have been made for the exclusive advantage of the western States, New England has done her part in paying; but, with the exception of a few thousands to Maine, she has not received a dollar for local ob-

jects. I know full well that such allusions and comparisons should not be made on this floor; but I could not let the suggestion of the gentleman from Virginia pass unnoticed. I should feel unwilling to have that gentleman suppose that New Hampshire has had any portion of the common fund meted out to her for any purpose of internal improvement.

I cannot but regard the improvement of our harbors and navigable rivers, the erection of light-houses and of breakwaters, as so essentially connected with the commerce of the country, from which we derive the greater portion of our revenue, as objects falling clearly within the legitimate action of Congress, under the express power given by the constitution to regulate commerce. I cannot but regard fortifications and military roads as so essentially connected with the common defence, and with the general welfare, as objects properly claiming our consideration. For all such objects, I have felt myself bound, as I would contribute to promote the common defence and advance the general welfare, to give my support. And in favor of every such measure, during the present session, my vote has freely been given. Beyond this I cannot go, consistently with my own views of the constitutional powers of Congress, and consistently with my regard to that sacred principle of strict and impartial justice to each member of the confederacy in the distribution of the common fund.

Until I shall believe that general and particular—national and sectional—limited and unlimited—reserved and unreserved, are synonymous terms, I can never yield my assent to a construction of the constitution, by which instrument authority is expressly given to Congress to provide for the general welfare; that this power is legitimately exercised by Congress, in appropriating any portion of the public property for local purposes. I can never yield my assent to the doctrine, that a road from Buffalo to Washington is a national road; that a road from Washington to New Orleans is a national road; or that a continuous road from Boston, by the northern and western lakes, by the seat of Government to New Orleans, is a national road. It cannot deserve such a name, unless it be necessary to the common defence of the country; or unless it be clearly productive of the general welfare—the welfare, not of a part, but of the whole republic. In my judgment, such a description of highways alone merits the name of national roads. Nor can I conceive that any partial expenditure of the common fund, for local objects, can have any tendency to rivet more strongly the various members of the confederacy—to cement more firmly the great bond of national union. No, sir, in my humble judgment, a totally different effect will be the consequence of such partial and limited legislation. It is admitted that the ingenuity of man has never yet produced a better form of government than our own; and that no government could be devised, better calculated to subserve the great interests of the American people. And, sir, it may with great propriety and truth be said, that no people have ever enjoyed more real happiness—more rational liberty, than the people of this republic; and may it not be urged, that this enjoyment of freedom, in which the American people have hitherto so largely participated, has been the result of confining our legislative operations within the pale of our written constitution? that we have had with us our political fathers and friends, who laid the foundation of this republic—to tell us the story of olden time—to remind us what was granted and what was reserved by the people—to warn us of the danger of giving any forced construction to the charter of our liberties, and to remind us to keep within its letter? No doubt, sir, but the seasonable admonitions of these early friends of the republic have had a most salutary effect—have induced those who have come after them to rally round the constitution of the country as the grand pillar of their liberties, the only sure foundation of their political peace.

In the virtue and intelligence of the American people I

have full confidence; and although thick clouds may seem to gather over us at this time—although there may seem to be a spirit abroad in the land, unfriendly to the permanent existence of our free institutions—although, on some great national interests, honest politicians may honestly differ in opinion, yet the republic will safely ride out the storm. Our country, our whole country, is a sentiment which cannot fail to influence the public conduct of every upright legislator. The people may think differently—put in jeopardy their liberties, and they will act together. If the majority of the tax payers of this republic are favorably disposed to the subject of internal improvements—to this road-making project—the system will continue; if otherwise, it cannot progress. And I do, therefore, entreat gentlemen who profess to be the ardent supporters of this system, not to halt, but to go forward, and put the subject home to every man in the community. Let the people not be deceived—let them see—let them feel the effect of this policy at once. I presume that no member of this committee will pretend that he can, constitutionally, take a given portion of the common fund, and appropriate it for purposes of local internal improvements, unless he could impose a direct tax to the same amount upon the people for the same object. No, even in this day of strange things no such absurdity would be pretended. I would, therefore, for the purpose of ascertaining the true state of the public mind on this subject, which is in all probability hereafter to claim much of the time and attention of Congress, recommend to the warm friends of this measure to let the treasury alone, to keep their hands clean, and impose a direct tax upon the people for the amount wanted. Raise a sum of five millions of dollars (for a less sum will not suffice) by direct taxation. Send your tax gatherers to every hamlet—to every man in your country; tell him you want his money for the purpose of constructing a national road from Buffalo to New Orleans, or, should the amendment of the gentleman from Massachusetts be adopted, from Boston, by the northern and western lakes, to the city of Washington, and from thence to New Orleans; and the return of these officers will tell you a tale that cannot be misunderstood. They will give you the honest state of public opinion; and I greatly miscalculate the signs of the times, if the present friends of this system would not then be found among its enemies. I greatly misjudge if the sovereigns of this country would not speak in such a manner as to make the throne itself tremble. At any event, in this way the honest, unbiassed sentiment of the public mind would be made known in relation to the important subjects of making local internal improvements, at the cost and under the direction of this Government. This would be the fair course. This would be the honest course. But the course now pursued, first filling your treasury by indirect taxation, and then taking therefrom what is wanted to answer particular purposes, is the most deceptive to the people at large.

The consumers, who are the tax payers of this country, annually contribute to the filling of the public treasury, without seeming to care in what way the money is expended. They know that a large public debt is outstanding—they know that the Government must be sustained—they know that fortifications must be erected, and must be armed—they know that our navy must be supported, and that our army will not be deserted. They know these things; and they know that the resources of the nation may be legitimately applied to these objects. And they believe that their public servants will not appropriate from the common fund for any thing not connected with the common defence or promotive of the general welfare. On this point a great portion of the American people have not sufficiently reflected, because their attention has not been drawn to it by any regard to their interest—put directly to them—put home upon them—let them feel, let them know that their money is wanted, and for what purpose,

and they will reflect—they will consider, and they will determine in this grand question. With that determination future Congresses would be content; and, acquiescing in that determination, nothing more would be said or done about expending the property of all for the benefit of the few.

It is of no importance to determine whether more or less of the revenue is collected in one or in another section of the country. Although frequent allusions have been made to the amount paid into your public treasury by particular States, yet, is it not to be inferred from that circumstance that the inhabitants of those particular States are in that proportion the actual contributors to your revenue? No! At ports of entry your revenue is collected, but the people—the consumers are the payers; and although, in the region of country where I happen to live, the people may not be known at the treasury, yet the wares and merchandise by them consumed draws heavily upon their purses, to supply the common fund; and whether the goods are entered at Providence, or Boston, or Portsmouth, they are nevertheless part of the consumers of the country, and pay their full and just share for the support of the Government.

The good citizens of my own State are not, and never have been, behind the citizens of the other States, in contributing their full portion of physical and pecuniary means for the common defence of the republic, and for the advancement of its general welfare. But I hold it to be unequal and unjust that they should be taxed for the benefit of particular sections of the Union. Such a course strikes my mind as anti-republican—as against the spirit of our free institutions—as at war with the first principles of our federative Government. And entertaining such sentiments, we will not aid in such projects; as much as we love our sister States, and rejoice in their prosperity, we cannot but regard this measure as an attempt to appropriate a portion of the common fund for local objects, by mere numerical force, without the consent and against the will of some of the old members of the confederacy, who were partners to the original contract. And believing that I know the sentiments of New Hampshire on this subject, I should be unfaithful to my constituents should I withhold my vote against this project; should I suffer it to pass without raising my voice against it. I must oppose the measure as fraught with the grossest injustice.

It not my purpose, at this time, to present an argument on the constitutional powers of Congress to construct roads—that subject has been often and ably discussed; but I have been, and I shall be obliged, in the further prosecution of this subject, to submit some incidental remarks in relation to the legitimate exercise of the power granted to Congress by the express provisions of the constitution, in relation to the subject of making local improvements at the expense of this Government.

I have said that I must oppose this particular bill now under consideration; and the principal reasons which have induced this opposition, independent of constitutional objections, I will succinctly state.

I do not believe that this road would be of such national importance—of such indispensable necessity, as to justify Congress in constructing and perfecting it at the expense of the Government.

I do believe that all these facilities of communication between one section and another section of our country should be provided at the expense of the several States, within whose limits such improvements are required.

I do believe that all appropriations made for such purposes, at the cost and expense of the General Government, must of necessity be unequal and unjust; bearing lightly on some sections of the Union, and heavily on others—bestowing your munificence on some sections of the Union—withholding it from others—and on this account, such projects should not receive the favorable consideration of Congress.

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I do not believe that national expenditures for purposes of internal improvement, tend to a dangerous increase and influence of Executive patronage.

I do believe that a sense of justice, which should invariably control the operations of our Government, requires, upon some fixed and established principle, a just distribution of the surplus revenue among the several States, provided that fund must continue to be drawn from the pockets of the people, for the purpose of being expended in the construction of roads and canals. I say that a sense of justice, in such a case, demands that an equitable division should be made among all the members of the confederacy. Any thing short of this would savor of injustice and oppression.

These are among the reasons why I shall vote against this bill.

I cannot regard this measure, notwithstanding all that has been urged, as necessary either for commercial or military purposes, or for the more safe or more expeditious transportation of the public mail. The inexpediency of this particular project, on these several points, has been most fully and satisfactorily shown, by the able argument of the gentleman from Virginia, [Mr. BARROUR] who first addressed the committee; and at this late hour of the debate, I do not purpose to trespass on their patience by any minute examination of these topics, but shall merely give some very general views in relation to them.

It is alleged that this road would be of great national importance, in a commercial point of view; that, regarding it as the means of affording great commercial facilities, it ought to be constructed at the expense of the republic. I ask, where is the evidence in support of this fact? Where are the reasons, the considerations, which would warrant this committee in coming to this conclusion? We look in vain for them. They exist merely in the imaginations of gentlemen! They have no real foundation. It is not in the nature of things that our commercial intercourse between Buffalo and New Orleans can be, or would be, increased by the construction of this road.

Any individual, acquainted with the geography of the country, cannot for a moment suppose that should this road, in course of time, become like the Apian way—should it become perfected by the location of iron rails—that any of the commerce of the lakes—that any of the trade in the proximity of these lakes—that any of the business of Buffalo, or of that region of country, would be diverted from their natural channels. No; make this national road as fine and as perfect as the art, the ingenuity, and the industry of man can make it—still, not a single ton less of the produce of the country would float down the western canal; not a single ton less of merchandise would be transported upon it from the market to the interior.

The great object of the farmer is to find a market for the produce of the labor of his hands. The great object of the cultivators of the soil is to obtain, at the least possible expense, a market for all they make to sell; and it cannot seriously be urged that the products of the agriculturist or the manufacturers would be transported from the region of Buffalo, over this road, through the State of Pennsylvania, to the city of Washington, and from thence to New Orleans. The idea is preposterous. A better way is already provided—one, not by the funds of this Government, but by the enterprise and the efforts of a single State. A better market is at hand; and our farmers would be a little too attentive to their interests to abandon that way and that market for this great national road, or for all the prospects of gain which Washington or New Orleans could afford!

The expense of constructing this road cannot be justified for any commercial purpose. It is further urged that this road would be of great national importance, regarding it as the means of facilitating the transportation of

the munitions of war. That this nation would have this for a great military road, I am equally incredulous on this point as on the one which I have just noticed. It cannot be wanted for this plain reason—that such are the facilities of communication which now exist between the different sections of this republic, that even should this country be visited with the calamity of another war, in that event this road between Buffalo and New Orleans would be but little used as a military road. Better ways are now in existence or in progress for carrying heavy ordnance and all munitions of war from Buffalo and the region of the lakes, by our canals and our rivers, even to New Orleans. And such is the nature of these facilities for internal communications, that our munitions of war can, at all times, be conveyed with much less expense and loss than would be unavoidable in the use of this national road for any such purposes. And such transportations can, at all times, be made with the most perfect safety to the country, free from the danger of attack from any enemy whatever.

It is further urged that this road is intended for the transportation of the public mail, and in that view should be regarded as of sufficient national importance to warrant the expense of constructing and completing this contemplated improvement. I am free to admit that it should be among the leading objects of those who have the administration or the legislation of the country committed to their hands, to provide for the safe and expeditious transportation and conveyance of the public mail. It is due to our citizens, it is due to the people that their representatives should do all that can with propriety be done, to give them the means of receiving information of the passing events of the times, with safety and with all possible expedition. Nevertheless, in the establishment of a post road, or in the construction of any way over which the public mail is to be conveyed, every unnecessary or imprudent expenditure of the common treasure should be avoided. Some sacrifices must be made for the public weal—individuals must submit to some inconveniences for the advancement of the general welfare. Now, this road is not called for, to facilitate or to expedite the public mail from Buffalo to Washington. It is well known that such a new way for any such object is not required, and would not tend to the promotion either of individual interest or of the general good.

And how is the fact in relation to the contemplated road between the city of Washington and New Orleans? Whatever reasons may exist for constructing a post road, on a part of the route, for the more purpose of a more safe and expeditious conveyance of the public mail, I cannot for a moment entertain the idea that, at this period of our history, there exists any necessity for this Government to lend her aid in the construction of any public road, for any purpose whatever, through the territorial limits of these parts of the Union. Is it come to this, that the funds of the nation are to be taxed to make a national road through Virginia, for the pretended purpose of the necessary transportation of the public mail? No, it cannot be; and I was not surprised, I was gratified, to hear one of the lineal sons of the ancient dominion, on this floor, in so eloquent and so forcible a manner, repudiate that idea.

The facts which are within the reach of every member of this House, must satisfactorily prove that this road is not indispensably necessary, either for the safe transportation, or for the more expeditious conveyance of the public mail. I cannot, therefore, feel justified, upon any view of the subject, in lending any aid in accomplishing this improvement at the expense and under the direction of this Government, on the ground that it is of a national character, and of national importance. And I am unable to discover why this better deserves the name of national road, than any public road which begins and which ends in my own State. It merits not the name; and we, the re-

representatives of the people, ought not to appropriate the property of this nation in establishing this road, either for the pretended purpose of facilitating the intercourse between different sections of the Union—for carrying on internal commerce, as it is called—for the purpose of a military road, or for the purpose of a more safe and expeditious conveyance of the public mail. The objects to be attained would not justify the expense; and, as the faithful guardians of the interests of the people, it does strongly impress my mind that we should oppose the measure, at all events as inexpedient and as impolitic.

In the course of my remarks, I have said, and I now repeat, that if the present tariff of duties should be continued; if we are determined annually to drain from the pockets of the people twelve millions of dollars more than can be necessary for the gradual reduction and ultimate discharge of the public debt, and to meet the ordinary expenditures of this Government; if such a surplus shall annually be at the disposal of the Congress of the United States; if this amount is annually to be distributed, under the direction and control of the National Legislature; if this sum, or any portion of it, is to be appropriated on objects of internal improvement, I ask, how shall it be divided? how shall it be distributed? In one section of the Union? Forbid it, ye ministers of justice! I answer, as the whole Union contributed to the common fund, let the whole Union participate in the benefits of the distribution. As I have before said, apportion this fund, upon some settled and equitable principles, among the several States, unless you are disposed to do a still greater act of justice, by leaving it untouched in the pockets of the people.

If the United States should receive no more from imposts than would be required to meet the current expenses of the Government, to provide the ways and means of extinguishing the public debt, would Congress presume to impose a direct tax, for the express purpose of collecting a fund to be appropriated in the construction of roads and canals, or any other objects of internal improvement not clearly warranted by the letter of the constitution? They would not dare to do this. Such an experiment would, in my judgment, prove fatal to the best hopes of the friends of this system.

How would the proposition have been received, (by the tax-paying people of this country,) to have incorporated a provision in the constitution, vesting a power in Congress to establish and regulate imposts, not for the purpose of collecting a revenue for the support of Government; not for the purpose of protecting any particular interests; but for the mere object of collecting a fund to be appropriated, under the direction of Congress, from time to time, on local objects of internal improvement? Sir, such a proposition would have excited a general feeling of hostility, from one to the other extreme of the confederacy. The constitution never would have been accepted by the tax-paying people of this republic, if such a provision had been expressly introduced into it by our political fathers. They too well understood the character of the American people, to have recommended to them to invest in Congress any such power.

Would New Hampshire have gone forward, and by her vote unqualifiedly accepted the constitution as binding upon herself? Would any of the small States of the Union have done this, if the great States, in the legitimate exercise of their constitutional powers, could appropriate any portion of the revenue for making roads and canals, or for any objects of internal improvement? No, sooner would they have remained in their colonial relation to the mother country, than to have jeopardized their particular rights, by yielding any such general power; and not until the latter period of our history, have any such powers been attempted to be exercised. When the constitution came fresh from the hands of the people, its provisions were

perfectly well understood; the powers granted and the powers reserved by the people were not then matters of speculation. The great struggle, which had terminated in the establishment of our country's independence, was too recent; the people were then too jealous of power, to have accepted any charter of their liberties, containing any provision which might, by possibility, prove dangerous to their rights as freemen. Never would they have jeopardized their equal privileges, by giving to the majority of Congress the power, at any time, to appropriate the common fund as their mere will and pleasure should direct. If such a power had been supposed to have existed under our constitution, it would have been early exercised; and I presume to state, that we should not at this time have had to pass over a road so badly made as we now find between the city of Richmond and the Potomac. If such a power had been supposed to have existed, the great influence of Virginia in the councils of this nation would have been successfully exerted in the construction of all her public roads, at the expense and under the direction of this Government. If such a power had been supposed, in our early history, to have appertained to the Congress of these United States, not a road or canal would have been made without the application of the pecuniary means of the republic. But no such sentiment was then entertained; no such idea was harbored by our political fathers. They then believed, and they then practised, that Congress only had the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States." They believed, and practised, that they had not the power of laying and collecting imposts for any other purpose.

It was reserved for this day of strange things to give a different construction to the constitutional powers of Congress. In some of the members of this Union, admitted since the establishment of our present Government, a construction seems to be given to the constitution, compatible with an enlarged and liberal exercise of congressional power. And if the sentiments of the States are fairly represented by the opinion and votes of their delegates, there are some of the oldest States who now believe that a power exists in Congress to lay and collect imposts for purposes of internal improvement—such a liberal and enlarged construction to our constitution must have been the growth of modern time.

I cannot believe, however, such to be the sentiment of New Hampshire; and on this point I do not speak without authority. In 1822, our legislature had their attention drawn expressly to this subject, by our then chief magistrate; and I must ask the indulgence of the committee while I read from his message the following passages:

"The words 'to provide for the common defence and general welfare,' are merely mentioned as the objects for which the power to raise taxes is given, and the power to lay taxes is the only specific power given by this article of the constitution. Under this erroneous construction, a majority of Congress seem to suppose that they are invested with power to appropriate the national resources to objects of mere internal improvement, such as making canals and roads in the interior of our country, which have no connexion whatever with either the common defence, or the general welfare, other than that which all internal improvements, even the building of bridges or mills, or the improvement of the soil, possess. It is too obvious to be disputed, that, if this clause of the constitution gives to Congress the authority to make such roads and canals, even a less extended construction of it must include every specific power vested by that instrument, and thus render them wholly impertinent and unmeaning—an inconsistency and absurdity which could not be admitted, except under the most imperative necessity. Were the phrase in question to be regarded even as a delegation of

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power to provide for the general welfare, yet, on every known and acknowledged principle of interpretation, it would be liable to receive a strict construction, and consequently could authorize only such measures of Congress as were in their nature general, extending direct benefits to every part of the nation, and not such as were directly beneficial only to a part, and to the remainder merely incidentally, by possibility, or on some remote and uncertain contingency. The consequences which may naturally be expected to result from giving so broad and indefinite a construction to this clause of the constitution, as would authorize Congress to appropriate the national resources to mere objects of internal improvement, ought not to be disregarded in a consideration of this question. The national resources, so applied, would generally be directed to great and imposing objects in those parts of the country which were susceptible of them on that extensive and magnificent scale which would gratify those national feelings which always have a powerful influence, whilst those which were less adapted to gratify these feelings, although of equal or even greater importance, and those affecting the interests of the smaller and more remote sections of the country, would be either wholly neglected, or receive less than a proportionate share of the attention of the Government.

"Jealousies and discord would inevitably spring from real or supposed partiality in the appropriations for these objects, and endanger that general harmony which is intimately connected with national happiness. It would greatly extend that indirect power and influence of the Government, derived from its patronage, which ought always to be feared as a principal source of that intrigue and corruption which has so generally destroyed or impaired every thing valuable in human Governments. No motives are discovered that should induce such a wish that the constitution might be found susceptible of a construction which should authorize Congress to expend the national resources in mere objects of internal improvement, unless accompanied by a belief that these objects would be more judiciously and economically attained under the direction of the National than of the State Governments. But no facts or evidence are known to exist, which can be thought to warrant the expectation. In National Governments generally, (it is to be hoped our own may prove an exception,) waste and profusion, corruption and favoritism, connect themselves with every national undertaking and expenditure."

The legislative assembly of New Hampshire—the immediate representatives of the people, did not, on that occasion, withhold the expression of their opinion on this subject. They responded to the sentiments of the Executive, and declared, by their resolutions, which were adopted with great unanimity, "that the constitution has not vested in Congress" the power which is now attempted to be exercised, and that no such power should be vested in Congress. It was believed that the existence of such a power would be dangerous to the rights and privileges of the small States. Such I believe to be the sentiments of New Hampshire—a sentiment I feel bound, no less from a sense of duty to my constituents, than from the force of individual feeling, to assert and maintain.

We have works of internal improvements in that State, which we should be pleased to have accomplished. But relieve us from the national debt, and then forbear to levy upon us unnecessary taxation. Free my own constituents from an annual tax of not less than fifty thousand dollars, which they now pay in the oppressive duty on salt; relieve them from a like amount which is now drawn from their pockets by the present duties on teas; relieve them from the onerous duties on iron and on coffee; all which articles are of general use, and which duties remain in the aggregate as an annual tax upon their industry, of not less than two hundred thousand dollars; free us from these burdens,

too heavy to be borne, and we will work out our own salvation. We will go on as we have done; appropriate and work out, as we have done, the annual tax of two hundred thousand dollars, in making and repairing our highways, and in effecting the desirable objects of internal improvement under our own supervision.

But if the present policy must be persevered in, if the people must continue to be indirectly taxed, for the purpose of filling the public treasury, to be appropriated, under the direction of this Government, in the construction of roads and canals, the language of New Hampshire is—be just. She does most solemnly protest against an act of such flagrant injustice as compels her, while she makes her own roads, at her own cost, to appropriate annually one hundred thousand dollars (twice the amount of her State tax) to help the great State of Pennsylvania to make hers.

This expenditure of the public treasure is attempted to be justified on the ground that it serves to cement more firmly the various parts of the confederacy. It is a most fallacious and deceptive argument. The very circumstance of an unequal distribution of the common fund, which must necessarily take place in effecting objects of internal improvement, would create distrust and jealousy among the less favored members of the Union; and if it has any bearing, its tendency must be of a character different from that which the friends of the system have urged.

But the fact is certain, that the State of New Hampshire does not require the exercise of any such power to bind her to the Union. She fully realizes the value of our free institutions, and she would be the last State in the confederacy to give up the ship. She rallies around the constitution as the charter of her liberties, the foundation of her hopes, and she needs not that rope of sand to rivet her affections. There is no disloyalty within her borders. Her citizens contribute much of her treasure, and have spent much of her blood, in procuring and maintaining public freedom. And while the names of her Stark, of her Sullivan, and her Scummiel, shall be remembered, so long as the sacrifices and services of her revolutionary patriots shall be preserved in mind, the loyal faith of New Hampshire will never be questioned. Some solitary individual may linger among the wilds of the interior, who has dared to breathe forth the sentiment of disloyalty. But if, in fact, such a sentiment ever had a real existence, it never could have extended beyond him who conceived and who brought it forth.

I have observed that I do not oppose the improvement of your harbors, your ports of entry, for I cannot but regard such measures as directly connected with the public welfare; and I have, since the commencement of this session, voted for a just distribution of the avails of your public lands among the several States.

I consider the public domain as the property of the whole Union, ceded for the common benefit, or purchased by the common fund; and I voted for this, because we were told by the President, in his message, that we should not want the present amount of revenue, either for the payment of debts, or for ordinary expenses. And when the resolution of the gentleman from North Carolina, [Mr. CONNER] proposing a reduction of the duty on salt, was introduced, it was then immediately strangled—a duty which bears most hardly on my own people. I became satisfied that the present tariff must be continued at all events. Then I was for doing for the benefit of my people all that was within my power. I should have much preferred to have had a judicious adjustment of our tariff of duties. I should have much preferred to have let the money remain in the pockets of the people. I should have much preferred to have had my constituents saved from the annual tax on their industry of two hundred thousand dollars at least, in the way of duties on salt, on tea, on coffee, and on iron—articles of prime necessity, and which enter very gene-

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rally into their consumption. But I was convinced that this would not be done; and although existing duties on these articles were not wanted for purposes of manufacturing protection, yet Congress was apparently determined to retain them; and the subsequent history of our proceedings will show that I had not formed erroneous conjectures. Under these circumstances, and with these considerations, I voted for an equal distribution of the avails of the public lands. I shall do it again—not out of any hostility to the West, but because, in my judgment, their interest would not be injured, and a benefit would be conferred on my own citizens.

A few words more, and I have done what I have felt it my duty to offer.

This confederacy may, with perfect propriety, be compared to a partnership concern. The several States, as partners, contribute, according to the articles of agreement, their respective proportions, to make up the common fund. They are, under the articles of agreement, interested in this common property. All have contributed—all are alike, upon certain principles, entitled to the beneficial operations of the concern. But it would be no greater act of injustice for one partner, in any other concern, to withdraw not only his own investment, but actually appropriate the half of his associate's to his own exclusive use, against his will, than it would be for this Government to appropriate, from the common fund, the property of all, or to use any portion of that fund for the exclusive advantage of any one of the original partners of any one of the States. We should pause, and well consider before we thus act.

"The evil men do lives after them."

Mr. PEARCE said, he had finally succeeded in placing himself upon this road, not, however, without a struggle. How long he should remain upon it, he could not now say; but it was not his wish to travel it from one end to the other, a distance of thirteen hundred miles, and, as some gentlemen had told us, more than that: lest [said Mr. P.] (pointing to some notes before him) I should faint by the way side, I have taken with me some viands, from which I can receive relief if any should be wanted. I cannot, however, read a speech, for I never was able to write one before I obtained the floor, on any question or subject under discussion, and never able to write one out after I had finished my remarks. In either case, I could employ the gentleman now in my eye, (Mr. Stansbury,) much better than I could employ myself.

The gentleman who has just taken his seat will excuse me if I do not follow his example. I appear before the committee under circumstances somewhat different from those of many others. It has been said that New England, New York, and several other States, have no direct interest in this road, and that, therefore, there is no reason why they should contribute their support to the bill, or their money to carry it into effect. The opposition has been urged, not merely on grounds of principle, but appeals have been made to the worst feelings of our nature—to the selfish feelings of individual interest—as if nothing ought to be done by any gentleman on this floor, unless it contributes immediately and directly to the interest of his individual district, or the State from which he comes. I am influenced by no such feelings, and am prepared to say, what gentlemen have told me was true, that Rhode Island has no interest in this road. What then? If the nation has an interest, is it right to withhold my vote, and refuse this measure my support? Others can speak for themselves, but it is sufficient for me if this road will contribute to the benefit of the country at large; that conviction is sufficient to command my vote, and, in obeying it, I have no doubt I shall be sustained by those I am proud to represent. I know that designs of this kind present very different subjects for legislation. We have all seen this difficulty. Some gentlemen, with all their constitu-

tional scruples, would not have any serious scruples to this road, if it could pass through their district. At any rate, if it must be made, the route through their districts is the proper route, notwithstanding all the engineers have said upon the subject. The road is assailed by objections the most various, and frequently of the most opposite kind. For some, it is too far west; for some, not far enough; for some, it is too long, and ought to terminate at Memphis—looking towards Texas; for others, it is too short, and ought to go to Boston, by the way of Lake Champlain. One thing is certain—it is too long and unmanageable to be laid upon the bed of Procrustes, and shortened and stretched to meet the views or gratify the wishes of every one. If mere local feelings are to influence us all the proceedings of this House, what can ever be done for the good of the Union? So far as relates to me, I merely ask myself whether the scheme that is proposed is calculated in its nature to confer benefits on the whole country, without reference to any particular section of country.

Is it not familiar to us all, that, although the western portion of this Union is entitled confessedly to an armory somewhere upon its waters, yet, owing to local disputes, and sectional differences of interests, the site has been a bane of contention for many years? From the time I took my seat as a member of this House, to the present period, there has been among gentlemen from the West a sharp and animated debate on this subject. Some have thought that Pittsburg was the most eligible situation, some West Tennessee, some North Carolina; and others, among whom I can name the gentleman from Kentucky, [Mr. JOHNSON] and his predecessors, that the district of country which he represents is the place which should be selected for that purpose; and, from all I can learn upon the subject, I think, with him and them, that it is—but so far as relates to my present argument, not but that the necessity for an armory somewhere upon the western waters existed, yet, owing to the divisions and differences which have existed, none has been established, and none will be, so long as they shall continue. If they cannot among themselves agree, they have no right, and cannot with propriety arraign the Government for withholding the appropriation of money necessary to commence an establishment of this description. The remarks which I have made relative to the western armory, will apply with equal force in reference to the establishment of a military academy in the western section of our country. More than twelve years ago a bill passed the Committee of the Whole House, establishing a military academy in the western section of our country; but it was defeated, because gentlemen from the West would not agree upon the place where it should be located. Both the House and the country assented to the design. But such was the struggle of local interests, that members here could never agree. In reference to this bill, and the proposed route of this road, it is sufficient for my purpose and my vote, that it comes to us under favorable auspices, and recommended by those who have no interest in this or that route, which does not belong to them as members of this confederacy. The chairman of the committee who at a former session reported a bill in the words of this, or similar to it, is a gentleman [Mr. MERRICK] who, we all know, has given as much attention, and devoted as much time to subjects of this kind, as any member of this House; and no one will deny that on this and similar subjects his zeal has been untiring, and his exertions indefatigable. The venerable gentleman who at this session reported the bill in favor of this road, [Mr. HEMPHILL] comes from a State that is identified with internal improvements; and at home, in reference to objects of this description, he is first among his peers. What motive, I have a right to ask, has either of those gentlemen to prefer one route to the other, independent of the general good? None, I think I am warranted in saying. Sir, during the pendency of the bill, and this discussion which

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has taken place, I have watched the movements of the chairman of the Committee on Internal Improvements, and verily believe, if ever a man was actuated by pure and disinterested motives, having the welfare of the Union in view, and that alone, in reference to any measure, the venerable head of our committee has been so influenced, guided, and directed. In addition to the recommendations of this route from the several committees referred to, it is recommended by the officers of the engineer corps, who, it will not be pretended, could have had any personal interest in the recommendation. An examination of their report will acquaint us with the reasons and grounds of their preference. Among other reasons by which all should be influenced, we are told that, if hereafter it should be thought advisable to Macadamize the road, the expense of Macadamizing the western route would not be so great as either of the other routes, by twelve hundred thousand dollars. So far, then, as expense is concerned, and judging from the information which comes before me, together with the recommendation of the present and former committee, I am led to conclude that the western is the preferable route for us to adopt. Let it be remembered, that, in settling this question, we are not to be governed exclusively by a state of things which may now exist, but should look forward to the future; and although the population on a particular route may be sparse at present, we must look to the resources of the country as they will exist when fully developed by the facilities which such an avenue and communication as this road will open to them. We are not to legislate in this matter for to-day, but for years and centuries to come. For myself, I am, perhaps, less encumbered in giving a vote, than some gentlemen may be. I have no constitutional scruples to impede me, nor have I any difference from a former course to embarrass me. I shall vote now as I have voted heretofore, for my course has, on questions of this description, been uniform—the same yesterday, to-day, and, with my present convictions, will be forever. As to local feelings, thank God there are none to divert me. I have none to lead me to prefer the upper to the lower route; my great desire has been to ascertain which would be best for the country at large; and, if I have been so fortunate as to make this discovery, I am satisfied.

I might, in that spirit of selfish feeling which has been manifested by many gentlemen who have addressed the committee in relation to this road, inquire, what has been done by this Government for Rhode Island? The answer must be, nothing to its internal condition by appropriations for roads and canals; not a dollar to give us new roads, or to improve the condition of our old ones. I am happy in saying we want no money from the public chest for that purpose; our common roads are better than the best turnpikes in this part of the country, and our best better than all the money in the treasury, or all the surplus fund, when the national debt is paid, can make some roads here. In relation to the general distribution, it may be said we have had our share on other subjects, and, if it has been a small one, it has been in proportion to the comparative size of our State. What has it been? I was so fortunate once, and not without a struggle, (and, in effecting what I had in view, I received more aid from the other branch of the legislature than this,) as to procure for the improvement of one of the harbors in Rhode Island an appropriation of four thousand dollars; this sum, I contend, was not for our exclusive benefit, any more than the several light-houses on our points and promontories; it was for the benefit of the navigation and commerce of the whole country. But it may be retorted, that very important fortifications have been projected, and actually commenced, in Rhode Island. It is true these works are within our State; but I do not consider Rhode Island under any special obligation to the Government, because the erection of these fortifications was not from any special regard to us.

The appropriations were the necessary result of our peculiar situation in reference to the coast of the Union. Without these fortifications one link would have been wanting in the grand chain of defences of our seaboard; without fortifying Newport, neither New York nor the Chesapeake could be defended. From the communications which were made by the Executive at the commencement of the session, it appears that his eyes, the attention of the Secretary of the Navy, and the Board of Navy Commissioners, have been directed to the waters of Narragansett Bay, in Rhode Island, as a place for one of the grand naval establishments of the country. And why? Because that State had any claim for large appropriations for her benefit? Not at all; but, owing to our location, it has been found that our waters, our noble and capacious harbors, presented a better place for a naval depot than was elsewhere to be found. I am still, therefore, warranted in saying, that, in regard to any improvement of the resources of the country, nothing, or next to nothing, has been done or projected for the State from which I come. Yet I am not, because the Government has been less liberal in its grants than many in the State that I represent could wish, or perhaps all desire, to be influenced by sectional considerations or sectional designs. Is this any reason why I should withhold my support from any object which is national in its character? I trust not. A gentleman from New York [Mr. MONELL] said, a few days ago, that his State had knocked at your door in vain; and because the gentleman's State received nothing, he is now opposed to this bill. He should recollect, more especially as he seems to have some constitutional scruples, that the legislature of his State had none, for the appointment of agents to solicit the aid of Government in constructing their great canal was a recognition of the constitutional power to aid works of this kind. Other reasons might have induced the refusal, beside opposition to the principle of internal improvements; the party then in power might have been opposed to appropriations for internal improvements; but since a change has taken place in this respect, is their conduct on that occasion a good reason for voting against this bill now? Surely not. The Government of the United States, at the time that application was made, might not have been in a situation, from inability, to grant the aid solicited. But it is not too late for New York to obtain the aid of this Government for enlarging her system of internal improvements, and extending them still farther than at present. She has, from all that appears, a disposition to do this; two bills have been reported at this session, to authorize subscriptions to the stock of two of her canals; inceptive measures have been taken to the improvement of the navigation of the Hudson; an appropriation has been made to defray the expense of a survey of a canal to be cut through a neck of land near Hurl Gate; we have been notified that something will be hereafter required to improve the navigation of Black river. Has New York in fact received no aid? Nothing to aid her in constructing a national road, although a military road has been commenced at Plattsburg, and partly finished, the whole expense of which has been borne by the United States; another has been projected from Albany to Sackett's Harbor. Has she received no money for internal improvements? What has become of the appropriations for Oswego, for Black Rock, for Buffalo, and other places bordering upon the lakes? Yet we are told, because New York once applied and was refused, either because the party which then constituted a majority in the House was opposed to internal improvements, or the treasury then too much embarrassed to afford the grant, now the members from that State are bound to refuse to contribute their aid to a design connected with the common good of our common country.

[Here Mr. STORRES, of New York, interrupted Mr. P., and asked what benefit this road would be to the people he represented.]

I know [said Mr. P.] this is the argument of the opposition to this bill—an argument which, if it obtains, will destroy not only this, but every bill that may be hereafter reported, to improve the internal condition of the country.

I hoped for better things from that gentleman, when he told us he was in favor of appropriations for internal improvements, and had heretofore voted for them. Not a cent of the amount appropriated will reach my district. This has been rung through all the changes, not only by those who are opposed to the system altogether, and will be opposed, as we are told by them, as long as they have tongues to utter their sentiments, or judgments to direct their conduct, but it seems now to be adopted by the gentleman from New York. Not a cent of the appropriations goes to Oneida county, New York. He would vote for the Delaware breakwater, because that work was national, and the State of New York was interested in it, although not a cent of the appropriation ever reached his district. If I correctly understood the gentleman, when he addressed the committee a few days ago, he labored to persuade us to withhold our support from this bill, because the appropriation required might interfere with other works; works perhaps in which New York might have a more direct interest.

In what do arguments of this description originate, except that selfish sectional feeling, the fallacy and unsoundness of which I have endeavored to combat, and shall further expose before I conclude. I should suppose the gentleman is more proud of his State, in consequence of the construction of the Erie canal. Is he unwilling to look back to that period of time when this great work was proposed, and examine the objections which existed to it? How did they differ from the objections urged against this bill? Every county in the State through which it was not to pass, was opposed to it, and opposed for reasons similar to those which are given against this bill. Long Island, Delaware county, the counties upon the Hudson, the counties east of Albany, were all opposed to the work, not only because it would confer no benefits on them, but would make their situation absolutely worse, lessen the price of the products of their soil, as it opened a quick and cheap conveyance from the interior and extreme parts of the State to the great market and place of deposit in the city of New York. Yet, sir, those objections to that work did not prevail, and I trust the similar ones to this bill will not. Another gentleman from the State of New York, [Mr. ANGELO] visits this road, not as angel, or minister of grace, to give to it his aid, but to condemn this and all similar works: at a proper time he is to alter the title of the bill, and call this a road leading from Buffalo, via Washington, to despotism. He does not wish any part of the State of New York contaminated by it, although he is perfectly willing Pennsylvania should be. That gentleman, sir, may speak the sentiments of the people of the district from which he comes, as that district, as I have understood, has been generally opposed to works of internal improvements—as opposed to the Erie canal; but I am not willing to admit that he is the organ of the State of New York. Let this road be made, and his State will be as pure and uncontaminated as she now is, as pure as Pennsylvania, and that will be saying sufficient of that State. One would suppose that this gentleman belonged as much to Virginia as New York, and was a disciple of the new school of Virginia politics. A gentleman from Virginia [Mr. ARCHER] seems willing to give up the glory of this opposition on behalf of Virginia, and transfer it to New York, with a view, as one would suppose, to work on the feelings and enlist the prejudices of the delegation of that State. Another gentleman from the State of New York, [Mr. MONTELL] whose remarks I have already referred to, has called the attention of the committee to an attempt made a few years ago, as he says, to exact a transit duty from the boats on the New York canal. But I ask, did this Government ever

make such a demand? I know, indeed, there was some correspondence between the comptroller and the canal commissioners; but both the late President and the Secretary of the Treasury of the United States disavowed all intention to enforce such a demand; yet we have had this old, worn out story brought forward on the present occasion, to influence the New York delegation. It may be very good policy—thirty-four votes, this New York regiment, as the delegation from that State were once called by the predecessor of my friend, now near me, [Mr. IRWIN, of Pennsylvania,] are not to be marched out of sight when an important point is to be gained. The gentleman has supposed the case of a collision between the State authorities and those of the United States, which must be settled by the Supreme Court, while that tribunal, he has graciously told us, would instantly settle in favor of the Government of the United States. Why, sir, this thrust at that court? Can no question be discussed without implicating that institution? That court, it seems, can never show the least regard to a claim, however just, of a State against the General Government. Now, sir, I ask, has there been anything in the decisions of that court heretofore, to authorize this stab at its reputation? I repel the charge, I was going to add, with indignation. I will say, however, the remark is gratuitous and unfounded. The gentleman knows as well as I do, that the members of that court, whether collectively or individually, have too much self-respect to make any decision that will justify this insinuation. But to return to the road provided for in the bill. Is it not such as the present circumstances of the country will fully warrant? Is it not calculated to improve the condition of the country? To strengthen the bonds of union, and brighten the chain of mutual intercourse? Will it not confer a benefit on the people at large? Surely the nation is in as good a situation for undertakings of this kind now, as it ever has been heretofore. What, then, is the cause of this hue and cry? Is not our national debt nearly paid? And, when paid, are not apprehensions expressed that the surplus revenue will be divided among the several States? In that event what is to become of internal improvements, or works of a national character? Gentlemen tell us that the States must be left to accomplish these works themselves; that is, when they can agree among themselves that a certain work is expedient and proper. And who does not see that the will of a single State is sufficient to defeat every undertaking of the kind? As an illustration of this truth, gentlemen have only to look at this very road. It passes through seven of the States. Pennsylvania is in favor of it; so is Tennessee, and so are the States farther south; but all their contributions are to be rendered void, because Virginia, perchance, is unwilling to engage in the undertaking, and because New York will not pay for about one hundred miles of the road that may pass through her territory. So it will happen with respect to every national design. The tenacity, not to say the obstinacy, of one or two States will defeat the whole. The case, therefore, resolves itself into this question: shall the system of internal improvements continue, or shall it not? If yea, they must be done by the nation in its collective capacity—the States will never combine in any such scheme. In still further prosecution of that appeal to sectional views which has characterized this debate, it has been said by gentlemen from Tennessee, upper Virginia, and a portion of Pennsylvania, that not one cent has yet been granted from the treasury for their benefit. This argument is surely not a good one, and would not be entitled to such consideration if it stood alone; but it is a useful one, as it comes home to their feelings. Did those gentlemen withhold their aid to works of internal improvement, because they were in other States? No, we are told they did not. Has upper Pennsylvania ever acted on this principle? Is there one gentleman from that, or any other part of that State, who can withhold his vote from this bill? Did they withhold

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their votes (the gentlemen from the interior of that State) from the Delaware breakwater? So far from it, that an honorable gentleman through whose district this road will pass, [Mr. RAMSER] as he now tells me, offered the resolution which first directed the attention of the House to a consideration of that work; then, as the Delaware and Chesapeake canal, when the question of subscription of stock to that canal was under consideration, where is the evidence of the hostile feelings from the sectional interests of western Pennsylvania, Tennessee, or Kentucky? The gentlemen of those States, superior to the interests of mere sectional interest, did not withhold their votes from the subscription of stock. How many days ago is it since a bill for light-houses, harbor improvements, and surveys, passed this House, making an appropriation of more than half a million of dollars? In the common language of the day—not intending to adopt it as correct—for whose benefit? Of Kentucky? No, sir. Of western Virginia? No. Of western Pennsylvania? No; not a cent for either of those sections of the country. Louisiana, indeed, received some partial benefit, but a greater proportion of the money went to New York and the eastern States. When that bill was under consideration, it was not opposed by the arguments now used in opposition to this, by gentlemen from the West, or any other quarter. And we are called upon to refuse this road, because the money does not go to those districts! One gentleman said the design was not national, and that it would interfere with harbor improvements, and other works which he called national; but now the harbor bill has passed, and that gentleman represents an interest where there are no navy yards, no harbor improvements; has he, I must again ask him, no pride in the reputation of his State? And is not his support due from that State? O, no. Not a cent has been given to his constituents, not a dollar has been appropriated for fortifications in his district. This argument gives up the Union entirely, and we may as well say so now as at any other time. I again say that when our surplus revenue shall have been divided among the States, no object truly national can be accomplished. Instead of being less, there will be ten times more local feelings than now: the language of one State will be, I am in the interior of the country; the Atlantic States must take care of the seaboard; and they, in reply, will say, let the West and the States upon our northern frontiers protect themselves, develop their own resources, and improve their condition. I do insist that if any thing national is to be done, the General Government is the power that must do it. It must be done by the United States, or not at all. I have once adverted to the operation of local feelings, even among gentlemen coming from the West—the same section of country. Not a session commences that is not opened with a dance about the western armory. One gentleman moves Pittsburg, one Beaver river, and another, the Horse Shoe bend; and what is the result? We get rid of the appropriation altogether, with no disposition to withhold it, because they cannot agree where it is to be applied. I view this subject of internal improvements as necessarily connected with another important policy of the country—I mean the protection of national industry. They must go hand in hand, mutually aiding and reciprocating their benefits. What are some of the objects to be effected by them? Cheaper transportation and cheaper productions. Is it not manifest that the cheaper the raw material can be transported, the cheaper the goods can be sold? The cheaper they can be brought to market, the lower will be the market price?

I have been served this session with a copy (and I presume the other members have) of a communication made by an English writer, whose object is to show that the French manufactures cannot long sustain themselves, as England can manufacture cheaper, and consequently undersell them. The main argument used is, that in England,

owing to the greater facilities of communication, and transportation of both the raw material and manufactured goods, the necessary result of the roads, railways, and canals of that country, they can be furnished at a lower price. The manufactures of one nation will always put down those of another, where the material is cheaper, and there is a greater facility of transportation. If it is true in England, it is true here; and though there may be members of this House in favor of internal improvements, and of this road, and yet not in favor of the tariff, the argument I have last advanced will have weight with all those who are in favor of the tariff. What are the main objections urged against the bill? It is truly amusing to observe the various speculations which have been conjured up as arguments against its passage. For the purpose of addressing one peculiar feeling of the House, it has been said that the Executive is wholly hostile to the design. To gain another portion of it, we have been told that he was warmly in its favor, and anxious for its success. One gentleman from Tennessee [Mr. POLK] has read to us, *in terrorem*, a long extract from his message, in which he is particular to show his friendly feelings to works of internal improvements. Both of the statements made in relation to him cannot be true; but, for my own part, I am not to be influenced by one or the other. From all that I have seen and heard, I am led to believe that the Chief Magistrate will not, by any act of his, impede the progress of this design. I think he cannot but feel some regard for the opinion of the legislature of his adopted State, which has been expressed in favor of the undertaking. I should think it natural that he should feel some regard for the glories of his own administration. Peace has its glories, as well as war; and what, I ask, can add so bright a halo to the splendor of his reign, as the completion of this road, of the Chesapeake and Ohio canal, and the other works of internal improvements which have been projected? The laurels gathered at New Orleans, plenteous as was the harvest, are “trifles light as air,” in comparison with the glory of having these great works of national improvement begun or perfected during his Presidency. On retiring from office, he might then say, in the language of one of the Latin poets, without incurring the imputation of egotism, which has been ascribed to that poet:

“Exegi monumentum ære perennius.”

What are the monuments of Egypt, or the pyramids erected to perpetuate the folly or idolatry of an age, compared with these works, one of which cost more than all the money which this nation has disbursed, or will soon be required to disburse, on account of works of internal improvement.*

If any one consideration more than another would make a seat in this House desirable, to me it appears it would be that which would hereafter authorize us to say that we have, as the representatives of the nation, contributed our share to the commencement and the completion of these works. Of all such it may with propriety be hereafter said, in the language of another of the Latin poets, whose sentiments I will endeavor to render in English—“Happy, thrice happy, did you but know, did you but realize, what happiness was yours.” The measure of our glory would be full, and we need not aspire to any thing more to render our names illustrious, or cause them to be held in grateful remembrance. Away, then, with these stories

* *Pyramid of Cheops.*—Of the pyramids of Egypt, the largest, that of Cheops, is a square of seven hundred and forty-six feet, and its height four hundred and sixty-one, being twenty-four feet higher than St. Peter's at Rome, and one hundred and seventeen feet higher than St. Paul's. The quantity of stone which it contains is calculated at six millions of tons, which is three times that employed in the break-water at Plymouth, and has been calculated by a French engineer to be sufficient to build a wall round the whole of France, ten feet high and one foot broad. Its area at the base is, as near as may be, that of Lincoln's Inn fields.

about the influence of this or of that feeling retarding a great national design.

It is too late now for gentlemen from the tide water of Virginia to spread before us their hair-spun theories. The system has made its way down the side of the mountain; it is making its triumphant way to the South, "conquering and to conquer." The voice raised in South Carolina has reverberated along the highlands of Virginia, and the cry of North Carolina now is, "what shall we do to be saved." In reference to the western feelings and western claims, such is my opinion of their equity, that even if I had any conscientious scruples with regard to them, I would at least endeavor to divest myself of them. My word for it, if you withhold from the West what she now asks as a favor, you will hear, ere long, the same requirement in the form of a demand. Do gentlemen forget at what ratio the number and influence of the nine States in the valley of the Mississippi are increasing? Why, if I ever had any hostile feelings towards the West—and to all such feelings Rhode Island and New England are strangers—I would endeavor to make my peace quickly, while I was in the way with her. What Bishop of Cloyne said of North America, compared with England, may with equal truth be now said of the South or the East, viewed in reference to their relative future consequence, when compared with the West:—

"Westward the star of Empire takes its way.

"Time's noblest offspring is his last."

We may withhold favors from them now, or deny to them what is justly their due, but, rely upon it, we shall hereafter feel their power and the weight of their influence. Already the West has given us one President, and unless I am greatly mistaken, she will not be satisfied with giving us one, but we shall have another, and another, and another. Is it then good policy for us to throw obstacles in the way of their improvements? To the West, I say, we must look for our next President. It is not my province to designate or name the man; he who is now at the head of the nation may be the man; the late distinguished Secretary of State may be the man; the late distinguished Postmaster General may be called upon to exchange the judicial robe for the Presidential chair; in addition to these illustrious men, I might point to a late distinguished Senator, now a member of this House, a gentleman decked with laurels and covered with wounds received in fighting the battles of his country. To me it is morally certain that South Carolina and New York might as well hang their harps upon the willow, for at least the next four years, General Duff Green and Lieutenant James Watson Webb, if they please, to the contrary notwithstanding. During this debate I have listened with great attention, and pleasure, too, to two venerable gentlemen, one from Tennessee, [MR. STANDIFER] and the other from Pennsylvania, [MR. RAMSEY] their powerful appeals, addressed to their respective colleagues, ought not to be disregarded; they have told the House that whatever we may do on this floor, the people will ere long declare for themselves what is their will on this subject. The language of the gentleman from Tennessee was the language of plain, sound, practical common sense. He told us this bill was to result in the benefit of those on whom still rested the primeval curse, and who lived literally by the sweat of their brow. He told us the yeomanry of the country were desirous of an opportunity to convert their toil into money. I confess that appeal from such a quarter had a powerful effect on me—an effect which I could not have been able to resist, had my prejudices been enlisted on the opposite side of the pending question.

But we were told by one of the gentlemen from Virginia, [MR. P. P. BARNUM] that the money asked for this design could be better used. He said that the duties on coffee, paid by Virginia alone, amount in the course of a

single year to one hundred and thirty thousand dollars, and that if, instead of wasting money on this road, we would consent to take off these duties, Virginia would be richer by that amount, and that one hundred and thirty thousand dollars may then be applied by that State to the construction of roads and canals. He affirmed that seven millions may be dispensed with from the revenue, and that sum can be equally well distributed. Now, I am in favor of repealing the duty on coffee *in toto*; and as Virginia will then have one hundred and thirty thousand dollars to be applied to internal improvements, taking the gentleman at his word, I think we may call upon that State to appropriate money to that amount. But if she shall be disposed to answer the call, how can she collect the money? If she does it at all, she must do it by direct taxation, the most odious and burdensome of all modes in which contributions of the people can possibly be rendered. How will the collector be met? When he asks for this new duty, he is, I suppose, to tell the people—you ought not to complain, your burdens have been lightened by a repeal of one hundred and thirty thousand dollars of the revenue; and how would he be answered? Mr. Collector, that is nothing to me; that is no relief to me; I have houses and lands, I use no coffee; at any rate, I am not compelled to use it; I will not pay your tax. Such must be the natural effect; an effect in which doubtless the gentleman will rejoice, because its tendency is to foster and strengthen a prejudice against internal improvements. And this brings me back to the question whether we are to have any internal improvements at all. Gentlemen cannot say that they expect by direct taxation to collect a sum such as shall avail for the accomplishment of any work of national importance. And how shall we know when either to begin or end, in making our exactions for revenue? We must retain enough to meet contingencies, and defray the expenses of Government. And suppose you have in the national treasury only one million, an amount that none will say is too large, will there not be just as great a scramble, and just as many squabbles for that single million, as there is now for ten times as great a sum. We shall have all the difficulties that we have now, while at the same time we have little or nothing to appropriate for the great objects of national policy. And here let me drop one word as to an argument which is very common in this House, but which addresses itself to the worst feelings of human nature—the argument is, that other sections needed the benefit as much as that which happens to be presented to the House. Admit it. Must we, therefore, refuse all? Because we cannot do every thing at once, must we, therefore, do nothing? Because we cannot benefit all the districts in the United States *pari passu*, is this any argument why we should not begin to benefit any? This argument would have prevented all that we have ever done. In the plan submitted to Congress for the fortifications of our seaboard, designed for the Union, were all reported as works to be commenced at once? No; they were reported in classes, and numbered from one to five. Some would require more time to finish them than others. Might not this argument have been used in that case? Might not gentlemen have contended then, as now, that all these objects were needed? that one part of the country had as good a right to be defended as another; and, as we could not go on with all, we ought not to begin either? It comes to the same thing, because we cannot do every thing we must do nothing. Let me now advert more particularly to the constitutional argument.

It is said this road is not needed, either as a military, a commercial, or a mail road—that the interest of the money will cost us one hundred and thirty thousand dollars a year, and that sum will consequently be the expense of transporting the mail from Buffalo to New Orleans. This argument goes manifestly on the ground that the present state of things is to exist forever, and because there is no com-

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merce now immediately on the route contemplated by this road, that there will continue to be none after the road is made. So, because there is no war at present, therefore the military power of the Government does not authorize us at this time to engage in the undertaking. Gentlemen might just as well say that a man cannot be a soldier unless he is constantly fighting. The nation is not now at war, and of course it has not any munitions of war to carry; but does that prove it never will have? Another gentleman from Virginia, [Mr. COKE] tells us that roads are only needed where there is a dense population; but if a part of the country happens at this moment to be secluded from public view, it must always remain so, and its population must be always sparse, for the very reason it is so secluded. Why, if this country, through which, or near which this road is to run, had already all the benefits it would derive from the road, it is very plain that it would not want the road. But the great purpose of the road is to dispense those very benefits. Must the mail start from Buffalo and go all the way to New Orleans in one route, in order to constitute this a mail road? Surely not. It may be employed as a part of several routes, and the making of it will be warranted by the powers of the Government, in respect to the mail. Another argument of the modern Virginia school is derived from the unequal bearing of appropriations of this kind.

This argument, if admitted, would strike at once at the root of all the fiscal operations of the Government. It is a manifest impossibility that this Government should distribute its funds with exact mathematical equality, as if the whole surface of the country was a plain, and these distributions were to fall upon it as one vast sheet of water. Such a state of things is impossible; it is forbidden by locality, and the situation of our country. It cannot be expected unless you raise all the valleys, and sink all the hills. Nor can any one appropriation be made by the Government, the benefits of which shall be equally felt in all parts of the country. All our appropriations are unequal, and must be so of necessity; and the same inequality would exist, and does exist, in appropriations made by the State authorities. I would ask these gentlemen from Virginia, whether the money appropriated for the capitol at Richmond was an equal distribution of the money of the people of that State?—whether the moneys granted for the erection of court-houses in the several counties are not local appropriations? The money for these objects is raised by taxation over all Virginia; but what benefit did the people in the western counties receive from the erection of so costly a building at Richmond? It is all idle to talk in this manner. Inequality is inherent in the nature of all human society. The same argument would prove that one individual must not be appointed to a foreign mission, because there are others equally fit for the place, and who have equal claims on the Government for the same. It might with equal truth be maintained that the present distinguished occupant of the chair should not have been chosen Speaker, because there are other members of this House who would discharge the duties of presiding officer as well as he does. This is the amount of the gentleman's argument.

But, in addition to this, we find the old string has been pulled upon—the payment of the national debt is to be retarded—a bugbear which regularly makes its passage over the stage whenever any useful project is moved here which is to cost a little money. But, sir, that debt is so nearly discharged, and its payment so entirely within our power, that that argument is entitled to but little weight. The gentleman from Virginia carried us back so far as to the year 1688, when the public debt of England was but one million, and now it is more than a million of millions. Very true, sir; and what then? That debt, however great, is owed to her own citizens; and, be it great or small, it was not contracted by works of internal improvement. But while the gentleman held up one picture to terrify the

House, might he not, on the other hand, have presented to its view another picture, showing how, by her works of internal improvements, and her vast system of domestic industry, England has been able to sustain the pressure of such a debt, and to remain strong and prosperous, and to march with a bold and firm step, though pressed by such a burden? The Government could not have borrowed unless her citizens were able and willing to lend. So the gentleman's argument goes only to prove that internal industry enabled the people of that little island to lend their Government a million of millions of pounds sterling. England knows where her strength lies, and she has wisely pursued a policy to foster it. By this she has been enabled to monopolize the market for all those resources of strength which grow out of her internal improvements and active industry. By this she has been enabled to subsidize all the Powers of Europe, and to make herself a party to all the battles of the world. Every body will admit that the present dynasty of France has no very particular attachment to the memory of Bonaparte, and yet we see them, from necessity, pursuing the course of his policy, and endeavoring to augment her internal resources. When that blood-stained conqueror was chained to a rock in the midst of the sea, what was it that furnished consolation to his reflections? His thousand victories? his bloody laurels? No! he himself declared that it was the remembrance that he had improved the condition of France, and that his works of internal improvement were of themselves enough to make his name immortal. With these works, and with his code of laws, he could have afforded to dispense with all his victories.

One of the gentlemen from Virginia [Mr. COKE] represented the mountains of Tennessee as being of such a stupendous height as to render the road to New Orleans of no practical utility. I do not pretend to an intimate acquaintance with the geography of that portion of the Union; but of this I am sure, that piling up Pelion upon Ossa will never raise a valid objection to this design, be the mountains what they may; the road can never come in contact with them. The gentleman has relied mainly on Dr. Morse as his authority, (now he could not push that authority very far in Rhode Island, I can tell him;) and on that authority he tells us of the wide and noble rivers which penetrate that region, and which he seems to think are themselves an all-sufficient highway for commerce, mail, war, and all other purposes of travel. But what says the gentleman from Tennessee, who lives upon the spot? He tells you, that during three-fourths of the year these roads are of no service whatever, their channels being often so dry as to admit walking over them. And as to these Alpine mountains, which seem to have towered so much in the gentleman's speech, they are not so high as he imagines; and, whatever their height, they are mountains of ore, and contain resources which will furnish commerce for the road to carry. We have two armories—and he tells us, if ever we have another, it will not be located on this road; and the road will be useless. Is the gentleman sure that there never will be more than two armories in the United States? Is he quite sure that this road will never be employed for the march of an army? What is this argument but to declare that we are not in peace to prepare for war? Will not the same doctrine prove that we are not to increase our navy? that we are not to fortify our coasts?

But it seems that we are to reject this bill for consistency's sake. Because the Jackson party raised a hue and cry about Executive influence, and about the shameful waste of money by employing the engineers to make surveys in various parts of the Union, we must, out of consistency and pride of character, refuse this bill, and even that for the usual annual appropriation for surveys. Why, is it an incredible thing that that hue and cry was raised for mere political effect? Is it too much to suppose that

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partisans used that argument, who did not themselves believe there was much truth or weight in it? And, admit that the power of making surveys was ever so much abused by a late administration, because a good thing has been used for a bad purpose, does it cease to be good, if properly used?

I come now to notice the speech of a gentleman from Virginia, [Mr. Archer] who seemed so particularly magnanimous toward the State of New York. I was happy to hear him—the strain was so new, that it made a strong impression upon me—the gentleman seems to have made the discovery that there can be something that is correct without the bounds of the State of Virginia! But, before the gentleman praises New York too highly, let him wait and see how she will vote on this question. If New York is to vote down this bill because her petition for aid was once rejected, what is she to expect in future? Will the time never come when New York will apply for a share of that very aid she is now asked to refuse? And what will then be said to her by the power of the West on this floor? Sir, I hope New York will be magnanimous—too magnanimous to cherish the remembrance of a disappointment, and the feelings of resentment it excited. The gentleman ought to have recollected that the policy of New York in making the application was directly in contradiction of all his theories as a politician. When Clinton asked this body to grant aid to the State of New York, did he come here ignorant of the constitution? and, if not, did he hold the same views of it as that gentleman and his coadjutors? No! he acknowledged this Government had the power and the right to grant the aid he solicited. The gentleman has used soft words—I will not use the vulgar phrase, and say he has been pouring soft soap down the backs of the New York delegation; but he can never reconcile her conduct with his principles. The gentleman told us that if the General Government did not engage in these works, they would be done by the States; but, according to his argument, if this Government does not, the States will not. We have heard new doctrines broached here. The gentleman seems to have taken lessons in the school of a certain judge in Israel, and to have adopted that maxim of exalted morality, “all is fair in politics.” The gentleman is hot for forming a coalition—he will coalesce with any body; but it is for the most unprincipled purpose, if that combination is to be directed against the policy of the tariff, and of the internal improvements of the country. I speak for myself alone—in relation to my own morality; I can, of course, speak only for myself; but I have not much confidence in the morality of those who are ready to join with any body in opposing one of the most healthful attributes of this Government. If I do not forget, that same gentleman told us that if Virginia should ever alter her law respecting elections, he would pack up and remove into the very heart and centre of Africa. But Virginia has changed her law of elections, and the gentleman has not removed to Africa. If our eyes and ears do not deceive us, he is still here—and I apprehend he will not go there. I greatly fear it. If he does, however, he will not, of course, stop at Liberia, because the people there are in favor of internal improvements. They are all for building houses and making roads, and engaging in every design that can improve their colony. And, what is worse for the gentleman, he cannot remain at home. This policy has got down the country, till it is reaching tide water. The next thing we hear will be, that it has driven the gentleman down to low water mark. When it comes to that, the gentleman must embark for Africa, or somewhere else. Would it not be better for him to try to content himself at home, bad as things are, and to say, in the midst of all the noise of canal diggers and road makers—

Virginia! with all thy faults, I love thee still!

[Here the debate closed for this day.]

TUESDAY, APRIL 13, 1830.

THE ARMY.

The House resumed the consideration of the resolution reported from the Military Committee, requiring the Secretary of War to report a new organization of the army, so as to reduce the number of officers; the question pending being on the motion of Mr. TAYLOR to commit the resolution to a Committee of the Whole House.

Mr. WILDE said, that, when he was intercepted by the expiration of the hour devoted to resolutions, the other day, he had but a few more words to say. He had said, on that occasion, that the passage of this resolution would be an indication, on the part of that House, that they were prepared to vote for a reduction of the army. One gentleman had remarked that this was a proposition merely to institute an inquiry. In this light he could not view it. The Secretary is required to submit a plan for the reduction of the number of officers; and should he report that no reduction could be made without detriment to the public service, would it not be said that this was not an answer to the call made upon him by the House? The resolution either contemplates asking the Secretary whether any reduction can be made in the officers of the army, without injury to the public service, and, if any, what? or it directs him to propose a plan for this reduction at all events. In either of these cases, he would deem it proper to commit the resolution to the Committee of the Whole on the state of the Union, that it might there be discussed, the principles settled which it involves, and then the result of their deliberations might be submitted to the Secretary of War for his action; or they might submit to the department only the inquiry in relation to the expediency of the measure, and not call upon it for a distinct plan for re-organizing the army, without a proper investigation. It appeared to him that the proposition, as it now stood, was one asking them to express an opinion without deliberation. Mr. W. said he should offer an amendment to the resolution, if the motion for its commitment did not prevail.

Mr. WICKLIFFE said, the question before the House was on the commitment of the resolution to the Committee of the Whole on the state of the Union. The proposition in the resolution did not contemplate a reduction in the rank and file of the army, but only in its official corps. If such reduction were proper, he did not know why it could not as well be discussed in the House, as in a Committee of the Whole. For his own part, he was anxious that some plan should be submitted at the next session of Congress, by which the number of officers in the army could be made to bear some proportion to the men. This undue proportion of officers, he believed, in his conscience, to be useless. There is not a Government on earth [said Mr. W.] whose army is thus organized. A gentleman near me makes the exception of that of Bolivar; but, not being acquainted with the fact, I, of course, cannot join in the exception.

According to the reports laid before the House, the army never consists of more than five thousand five hundred men; and what proportion of them are officers? According to the estimate of the members of the Military Committee, there is a commissioned officer to every seven men, or seven and a half. There are near seven hundred officers to command five thousand men! There are twelve regiments in the service, each regiment consisting of twelve companies, and each company of from forty-five to fifty men. Companies [he said] were in fact divided, as, during the war, the number of men to a company was fixed at from eighty to a hundred. Unless some re-organization of the army took place, the present officers would all be brigadiers. The captains would be majors, and the lieutenants captains by brevet. He asked if gentlemen had examined into the expenses of our army. He meant the army proper. He would ask if it was known what pro-

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portion this expenditure bore to those required when the army consisted of ten thousand men. The difference is very small—three or four thousand dollars. For the last two years, the pay and subsistence had averaged two million three hundred thousand dollars. But this was not all; the Military Academy at West Point had become a part of the army. It had admitted two hundred and sixty cadets. It was true, they did not all remain to hang as a burden upon the army. After receiving their education, those who could procure a livelihood by a profession at home, preferred that course; the remainder hung upon the skirts of the army, at about twenty-four dollars per month, without the semblance of service. Something [he said] ought to be done in relation to the evils which grew out of this institution.

Mr. DODDRIDGE inquired if this discussion was in order.

Mr. VANCE said, he hoped the gentleman from New York [Mr. TAYLOR] would withdraw his motion to commit the resolution, in order that the discussion might proceed without interfering with the rules of the House.

Mr. TAYLOR said, that, as his object was only to call the attention of the House to the subject, and as this object had been accomplished, he would withdraw his motion.

Mr. WICKLIFFE resumed. His reason for making the remarks which he had offered, was, that he conceived the motion to commit the resolution equivalent to a motion to reject it. He then recapitulated the arguments which he had used. In relation to the Military Academy, the door to military promotion was now closed to all who had not graduated at that institution. No man who educated his own son, however well qualified he might be, or however much he might desire to see him enrolled among the defenders of his country, could gain admission for him till provision was made for the sixty or a hundred brevets already hanging upon the skirts of the army. There was no motive to excite the non-commissioned officers to a laudable competition in the performance of their duties, or the acquirement of a knowledge of their profession; for even the rank of a subaltern was placed beyond their reach, without the pale of their hopes. These men, during the late war, proved our most efficient officers, wherever their deeds of valor earned their promotion.

We have had much complaint [said Mr. W.] on the subject of the frequent occurrence of desertion from the ranks of the army. And why is this, sir? It is because when a man attains the rank of an orderly sergeant, (one of the most essential company officers,) his military career is ended. He has attained the utmost point at which he can ever hope to arrive; he has no further motive for action, or stimulant to laudable ambition. Mr. W. said he had long been of opinion that the system pursued in relation to this Military Academy was a most unjust and ruinous one, that no man, however meritorious and well qualified, should be admitted into the army, unless he can produce a sheepskin, evidencing that he has graduated at this institution! He thought no men could be more unjustly proscribed and disfranchised than those who were thus refused. The gentleman on my left [Mr. DE WITT] says, except editors of newspapers; but I say, not even them.

Mr. DANIEL observed, it appeared to him manifest that there ought to be a new organization of the army. When the army was reduced, in 1821 or '22, the object of that law was to reduce and curtail its expenditures; but we see that they have amounted to about the same since that period as before. This he thought a sufficient reason why something should be done. While they were urging the necessity of retrenchment in every department of the Government, why not commence with the army, and at least lop of its useless parts? But, [said Mr. D.] he did not believe that education could form a military character. Two-thirds of those educated at West Point could never be

fitted to command an army, or a company, or even to perform the duties of an orderly sergeant. To be sure, some of them might be capable of these duties. What, it would be asked, is the best course to make them qualified? Why, educate them at West Point, if you choose, but throw them back again into society, and let them take an equal chance for promotion with the rest of their fellow-citizens. If they have talents, no doubt they will be developed. If they have merits, no doubt they will be rewarded. There were many who had never received a military education, who were equally well qualified with those who had. Was such an education found essential in the late war? Not at all, sir; on the contrary, it was found totally useless, and, indeed, involved the country in more calamities than any other cause. He asked, was Scott a man who had received a military education? Not at all—he was a mechanic. Was Morgan? Not at all—he was a wagoner; and neither of them had more than a common English education. Let it also be remembered that Bonaparte took his officers from the ranks, for their valor and good behavior; and by that means created the finest army in Europe.

He was told by the gentleman from New York, on his right, [Mr. CAMBRELENG] that in war we find a difficulty in getting officers, while privates were easily procured. This only proved to him that the gentleman knew but very little of the recruiting service; as it was notorious we had ten applications, during the late war, for offices, where we had one enlistment of a private soldier. There was, and there always would be, a greater number of applicants for rank, station, and command in the army, than there were offices to give them. The demand, if he might so express himself, in the language of the day, the demand was greater than the means of supply. He said that there would always be a sufficient number of capable men in the intelligent community to form the officers of a larger army than we should ever have occasion to raise; and that, too, without having occasion to seek them at West Point, or at any other point. After some remarks on the requisites necessary to render an officer of value in the service of his country, he proceeded to comment on the observation of the gentleman from Massachusetts, [Mr. DAVIS] on the preceding day, that the frequency of changes in the army would tend to create indifference in the officers as to their proficiency in military knowledge and science. It was said that they would reason with themselves, that, having the prospect of remaining but a certain period in the service, they would grow negligent and careless in the performance of its duties. Now, I [said Mr. D.] think that totally the reverse of this would be the case. I think that the adoption of such a measure as the one proposed, instead of discouraging them from the study of their profession, would, on the contrary, act as an additional stimulus to the acquirement of knowledge in it. When an officer knows that, every five or ten years, there will be a re-organization of the army, and that the most meritorious officers would be selected, and retained in commission, it stands to reason that every officer in the army, desirous of continuing in the service, would apply himself with unceasing diligence to the attainment of that knowledge, and the improvement of those capacities, which alone qualify their possessor to be retained in his office. The argument of the gentleman from New York must, therefore, fail. The gentleman from New York [Mr. TAYLOR] had said that he had voted for the reduction of the army, in 1821, and that for doing so he had been assailed by the newspapers, and called a radical. The vote on that occasion showed that the gentleman thought it necessary that the army should be reduced. He complained of being abused by the newspapers in all parts of the United States. Well, [said Mr. D.] cannot he now stand the shot from a paper gun? Has he not sufficient nerve to bear newspaper abuse? I cannot certainly think it. He voted for the diminution of the army for-

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merly, and I hope that he will go with us now, and lend his aid to the accomplishment of so desirable an object. It would be the means of saving the country half a million of dollars annually; and he trusted that it would pass the House. He wished, indeed, that it had taken a wider range. He wished that the resolution had called upon the Secretary to state the number of effective rank and file; and of their officers; of captains of companies, of majors, of colonels, with a view to the establishment of the number of each necessary for the public service. He wished, he repeated, that the resolution had been couched in these terms, and that the principle of the reduction in 1821-'22 should now be acted upon. He was not one who wished to see the country swarming with officers, in a time of peace as well as in war.

Mr. STORRS, of New York, moved to lay the resolution on the table.

Mr. VANCE requested him to withdraw his motion for a moment.

Mr. STORRS declined acceding to the request.

The motion was, however, negatived without a division.

Mr. VANCE rose to address the House, but the hour expired.

BUFFALO AND NEW ORLEANS ROAD BILL.

The House then went into Committee of the Whole, Mr. HAYNES in the chair, and took up the Buffalo and New Orleans road bill.

Mr. LEA rose, and said that he had hitherto refrained from engaging in this discussion, partly on account of the exceeding reluctance and hesitancy with which he would at any time ask to be heard in this hall. But he had been influenced, also, by a desire to offer an amendment to the bill, at the time of presenting his views on the subject generally. Since an early stage of the debate, this had not been in his power, in consequence of the amendments and motions which had been pending; and he was aware that the same difficulty yet continued; but the manner and progress of the discussion had admonished him that he should not longer refrain, and that he ought to use the contemplated amendment by way of objection and argument against the bill in its present form. He would thus be able to exhibit the comparative advantages of the plan of the amendment for executing this and similar works, and both modes would then be before the committee; so that gentlemen could fairly consider whether they would be willing to adopt either. If so, they would be prepared to vote against the motion now pending to strike out the enacting clause of the bill; but, if otherwise, they would sustain that motion which goes to defeat the whole bill. He thought it particularly proper, in order to test this measure fairly, that both plans, and the whole subject, should be fully developed before the committee, previously to taking a vote on this question, which may be decisive.

I have thus [said Mr. L.] indicated, in a few words, my object generally; and I hope the committee will now indulgently allow me to present my views more at large. The peculiarity of my situation may afford an apology not only for my speaking, but, also, for giving some of my remarks a local direction. With but very humble pretensions, I have desired to be equally unassuming—and I might not have felt myself called on to depart, on this occasion, from my habit of silent voting, if this bill had not addressed itself directly to the homes, interests, and feelings of my constituents. But the proposition of the bill is, that this road shall run through my district somewhere; and (in the "glorious uncertainty" of these projects) that is taken to be almost any where and every where. The engineers, to be sure, travelled along the principal stage road through that country; and that is understood to be the western route indicated in their report. But there are many other roads running in the same general direction, along the extensive valley of East Tennessee, between Ken-

tucky on the one side, and North Carolina on the other; and private surveying has been resorted to for ascertaining the nearest and best way. And how many is it supposed there are of the good people along these respective roads, who have any doubt that the way nearest to their dwellings is the very best way in all the world for this great national road? All but one route (and that one, too, perhaps) must, in the end, be disappointed; but, until the matter shall have been settled, hope will continue the flatterer of all.

This multimorph offer of a road to a people who have never received any thing in this way, and who feel the want of improved outlets to market more than any other part of the Union, has naturally produced uncommon excitement in that quarter. It is not difficult to know the variety and luxuriance of the growth of such a hotbed. Many of my honest constituents have been led away by vain expectations, which they will never realize, and excited by means, some of which it is unnecessary to explain. Not only much speaking and writing have been resorted to, but, also, neighborhood, town, and county meetings have been held, to discuss and decide the constitutionality and expediency of the very bill now under our consideration; and with the view of instructing me, and requesting others to support it, as constitutional and expedient, not merely for making such a road as is proposed in the bill, but a railroad, according to the rage of the times—even a splendid national railroad!

It is not my purpose now to inquire into the motives of any who participated in those meetings, nor am I disposed to be outdone by any of them in matters of civility. I, therefore, take occasion to perform a twofold duty—first, of rendering my acknowledgments to all of them for the attention which they have been pleased to pay to me during my absence from home—and, secondly, of tendering the thanks of some of them to the honorable chairman, and the other honorable gentlemen of the Committee on Roads and Canals, for this precious bill, which seems to be regarded by some as almost a providential means of hastening the millennium itself!

Having discharged thus much of my duty, I should neglect another part of it, were I not to make some further remarks concerning these same meetings; for it so happened that, at some of them, a majority did not feel themselves quite so much flattered by the bill as to give it their approbation. Such was the result, I understand, at those meetings, where the subject was fully discussed before the people. They were a little shy of this proffered favor. The hook must be better baited before they can be caught. I have forbore from censuring any one; but, I should not do justice to my own feelings, considering the extraordinary excitement which this matter has occasioned among my constituents, if I were to refrain from awarding my feeble commendation to such of them as have opposed this bill, so really degrading, and yet so flattering to interested and superficial observers. With such temptations before them, and in the midst of great clamor in favor of the bill, they have manifested that kind of moral courage and political virtue, on which the liberties we enjoy must always depend—and even those who may candidly differ from them in opinion, must acknowledge the sterling patriotism of their course, in adhering to what they regarded as correct principles. Liberty to them is more valuable than gold—and I am proud to have the honor of representing such freemen.

Another consideration adds to the peculiarity of my situation. I find myself the only member on this floor from several hundred miles of distance along the contemplated route of this road, who refuses to take this dose of poison, as it has been prepared. Two of my honorable colleagues immediately to the west of me, and another, with two honorable gentlemen from Virginia, immediately to the east of me, are in favor of this bill, although they have arrived at that point by different roads, some of which

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are new and untravelled before. For all of these gentlemen I feel a sincere friendship personally, and I have, also, been in the habit of harmonizing with them on political subjects generally.

Perhaps you may consider my situation rather embarrassing, in the midst of such a multiplicity of routes through my district—such a diversity of sentiment among my constituents—and such cross-firing from my friends in this hall. I confess that I derive no pleasure from this confusion—that I regret the conflict of opinion and of interest; but not so much from considerations personal to myself, as from others of public concern. Yet, it is to no purpose to express unavailing regrets; every one must act on his own convictions and responsibilities; and I assure the committee I have not the least doubt or difficulty as to my own course. I will not vote for this bill. I cannot approve either of its principles or of its details. But I am not, therefore, an enemy to internal improvements; on the contrary, I would favor all of a proper kind, to be executed in a proper manner. A good road through my country would doubtless be very convenient; and, certainly, I could have no objections against it in itself considered, but I have some objections against obtaining it at the expense of my own oath and the constitution—our liberties and permanent welfare.

Some honorable gentlemen have told us much of their obedience to the will of their constituents. I, too, acknowledge, to some extent, the force of such an obligation; but not quite so obsequiously, perhaps, as some of my friends. I would not be understood as regardless of their good opinion. I would prize it highly at all times, either in public or private life. Nor will I affect indifference to my own destiny; and it will be my business to satisfy my constituents of the correctness of my public conduct; but, whether I shall be able to do so or not, is to me a secondary consideration; for I hold that no man is fit to be a representative here, who can hesitate as to a choice between his own personal popularity and the preservation of the true principles of our Government. To them I look and adhere, as the best means of promoting the best interests of my people, rather than to delusive expedients for relief or pitiful advantages, resulting in no permanent good, but answering, for a time, the purposes of certain candidates for popular favor.

I was sent here to act on my oath, to do good, not mischief—to execute, not violate, the great compact of this Union.

My constituents, of all classes, have long known that I could not vote for any such bill as that now before us; and, while some of them have been asking me to do so, they must have had other motives than even a hope that I could comply with their request. They know my sentiments, and they expect me to maintain them. A majority of them sent me here as a State right republican, as contradistinguished from a national republican. They are jealous of the assumed, overgrown, and increasing powers of this splendid Federal Government; and they are not willing to look to it as the “dispenser of every good and perfect gift under heaven.” They see that it is becoming more and more the fashionable idol of the times, especially among those who desire to be initiated, or to continue priests at the altar; and they fear the danger that a new and ponderous machine will be fabricated as a substitute for the beneficent original; and that the idolatrous worshippers of this political Juggernaut, in whole communities, are to be crushed beneath its wheels. The thing has progressed some distance already; the devotees are assembling; and new converts, even from those who were thought to be steadfast in a better religion, are prostrating themselves before it. I yet belong to another faith; and, instead of these imitations having any tendency to proselyte me, they render the scene appalling indeed, and establish me in my own creed.

It cannot be expected that all will agree in opinion, either as to politics or religion; but there are, nevertheless, in each, both positive and comparative differences between right and wrong, on which must depend the fate of individuals and of nations; and it should be the effort of every one, at all times, to attain the nearest practicable approximation to truth. But while important differences must exist, a spirit of toleration, and even conciliation, is indispensably necessary to prevent ruinous distraction! Who can look to the vast and various interests by which different portions of this extensive country are influenced—by which their representatives here are propelled in different directions, without discovering the utter hopelessness of long managing the great concerns of this Union to advantage, or even continuing the partnership, without exercising the utmost forbearance, and executing a determination not to push matters to extremity? When this General Government moves on the border of the constitution, even then prudence gives a caution; when it unscrupulously passes over a doubtful boundary, and occupies every inch of disputed ground, harmony and good feeling must yield to jealousies, animosities, and contentions; but whenever it shall boldly, deliberately, and perseveringly march further, and invade the undisputed territory of others, then the natural consequences must be, (as when the Rubicon was passed, and Rome was no longer free,) anarchy first, and despotism next.

This Federal Government has often sported wantonly on doubtful ground; occasionally, but inadvertently perhaps, it has trespassed further; but if the bill now under consideration should ever become a law, in its present form, it would be idle, insulting, to pretend that we aim at any thing short of consolidation, and a complete conquest of the State authorities.

I consider this bill as the most direct and daring attempt upon State jurisdiction and authority, that was ever before a Congress of this Union. Is it not? What does it amount to? Nothing less than a positive direction to the President to take prompt and effectual measures to have a road made from the northern lakes to New Orleans, near the southern gulf, without saying one word as to the manner in which the jurisdiction or rights of States, or corporations, or individuals, are to be regarded or adjusted, in cases of difficulty. The strong arm of power must not be stayed, but must act promptly and effectually to accomplish the object, no matter whose rights or what obstructions may interpose; for gentlemen have tauntingly told us, here and elsewhere, that an act of Congress cannot be controlled, unless the political omnipotency of the Supreme Court shall condescend to advise us of error. And is such a power as this to be put into the hands of the President of this Union, at this early day? Is he to be authorized, commanded, to go forward and make this road, without regard to the rights of any body? The like of it never was heard of in any country that was not a downright tyranny, or where there was even a decent respect for the rights of man. Some mode of ascertaining rights, and compensating for damages, would seem to be indispensable. I have no disposition to push scruples or apprehensions beyond due bounds, but this bill has no bounds as to principle—and when or where are we to stop?

At a proper time, it is my intention to offer an amendment, with a view of saving the rights of the States, of corporations, and of individuals, as far as practicable. At present I can only urge it as an argument, to show that the bill is not as it should be, and to point out a better mode of executing this and all similar works. By contrasting the amendment with the bill, the imperfections of the latter will appear more strikingly, perhaps, than by any other means; while there will be exhibited a plan for conducting internal improvements, under the auspices of this Government, by which many and serious difficulties will be obviated, and which I think well worthy of the most deliberate

consideration of every citizen of the States of this Union. We are told that this Government will progress in the business of internal improvement, and some gentlemen seem very confident in this opinion. If its progress in that way should be very extensive, it must be matter of great importance that some plan should be adopted to attain the ends in the least exceptionable manner. The amendment which I expect to offer, will be a test of the political principles of gentlemen on this floor. It is of a character too distinctive to be mistaken by any politician, and the people at large will understand the vital difference between it and the bill, in their respective tendencies. I avow my objects frankly: first, to put the bill right as far as possible; and, second, if its friends will not adopt a better plan, to put them thoroughly in the wrong.

That I may give my views to the committee with greater facility and distinctness, and exhibit the proposed contrast in a manner more pointed and practical, I beg leave to read the contemplated amendment:

"Strike out the fourth section, and insert the following:

"**SEC. 4.** *And be it further enacted,* That the several Boards of Commissioners, to the extent of their respective surveys, shall report to the President a detailed plan of the manner in which said road ought, in their opinion, to be constructed, without the application of stone or gravel, except where indispensably necessary for its convenient use; and, also, a particular estimate of the expenses of completing said road, according to said plan; and, also, a moderate and uniform rate of tolls, which they may deem proper to be collected on said road; and the several Boards of Commissioners shall have the aid of such of the Engineer Corps as the President may direct, in making their examinations, surveys, plans, estimates, and reports; in all of which the President may direct such alterations as he may deem proper, until they receive his approbation.

"**SEC. 5.** *And be it further enacted,* That copies of the reports approved of by the President, shall be transmitted to the Governors of the States, respectively, through which the surveys may have been made; and, for the purpose of aiding those States in making the road, there shall be paid, out of any money in the treasury not otherwise appropriated, such sums as shall be equal to fifteen hundred dollars a mile of said road, to be paid in the following manner, and on the following conditions, viz. Whenever any of those States shall have passed a law providing for the construction of so much of the road as may be within the limits of that State, according to the survey and plan approved of by the President, as far as the funds appropriated by Congress will enable it to be done; and, also, providing for the repairs, preservation, and improvement of said road, after it shall have been made, so far as practicable, from tolls at the rates approved of by the President, as aforesaid, which tolls may be collected on any part of said road from the time at which it may be in suitable condition for convenient use, and which shall not be altered without the assent of Congress; and, also, providing that the mail, and property, and troops, in actual service, belonging to the United States, may, at all times, pass along said road free from any toll whatever; but, having due regard, in all of said provisions, for corporate rights, derived from charters, as they exist at present, or as they may be modified in said law; and, also, designating the person or persons to whom such money may be paid: then, on the application of such person or persons, the President shall cause to be paid to him or them one-third of the fifteen hundred dollars a mile of so much of said road as may be within the limits of that State; and, on similar applications, equal sums, respectively, at the end of one and two years thereafter: *Provided,* That the person or persons applying for the second and third payments, shall, before receiving the same, submit to the President a satisfactory report of the manner of disbursing the funds

received, and of the progress and condition of the work; and the President is required to withhold any of the payments in case such State should apply any of the funds to any other purpose than the making of said road, or should fail to prosecute the work with reasonable expedition."

The committee will perceive that the three first sections of the bill, concerning the survey and location of the road, would not be affected by the amendment, which relates to the manner of execution and preservation, rather than to the plan or kind of the road; but some subsequent parts of the bill would require alterations, which would occasion no difficulty, however, as they would be but natural consequences from adopting the amendment.

I am very desirous that the amendment, and the whole plan, of which it is a part, should be well considered and understood, not only for the present occasion, but, also, for all future subjects of similar kind. The committee will, therefore, indulge me in giving a condensed and connected view of the whole plan, that the various parts may be more properly estimated.

An outline of the plan is simply this:

1. Let this Government survey and locate the road precisely where it may desire to have one made.

2. Let the commissioners, with the aid of suitable engineers, report to the President the survey and location; also, a detailed plan of the manner of making the road of the kind indicated in the law, with a particular estimate of the cost; and, likewise, a uniform and moderate rate of tolls—all of which to be subject to alterations and approval by the President.

3. Instead of the President's going on to have the road made by the direct authority and action of this Government, let copies of all the reports, approved of by him, be sent to the Governors of the different States through which the road is to pass, as the *bases* of a proposition from this Government.

4. Let that proposition be, that this Government will furnish the necessary funds, in reasonable and regular instalments, to any of those States, whenever it shall have passed a law, (with due regard to existing corporate rights,) first, to make the road, as proposed, to the extent of the funds furnished; second, to keep it in repair by the moderate and uniform rate of tolls proposed, and not to be altered without the assent of Congress; third, to exempt the mail, and property, and troops, in actual service, belonging to the United States, from all toll whatever; but that the President should so far exercise control over the funds, as to withhold any of the subsequent instalments, if the former should not have been wholly and promptly applied to the work.

After much reflection on the subject, but with great deference to others, I submit to the committee, and to the nation, if the plan proposed is not the most eligible which has been devised for accomplishing internal improvements under the auspices of this General Government. It challenges scrutiny, and appeals to every motive of prudence and patriotism. It will attain the ends more completely—with greater certainty—with less danger. I doubt not that these positions will be maintained by further investigation and reflection.

Having given the substance of the plan, connected with the amendment, it becomes my duty now to contrast it with the bill, more particularly and practically.

A superficial observation of the amendment has caused some to object, that it amounts to nothing more than conferring power on the States to make works of this kind out of the common funds. As the distinction is important, I beg leave to correct this mistake. I hold that this Government can do directly whatever it can authorize others to do; that the constitution is the only source of our powers; that we can neither give nor take any, except as provided in that instrument; that the powers of the respective Governments, either delegated or retained, are per-

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fect of their kinds, within the legitimate spheres of their action, but utterly void when extended further; and that, if we have the power to make roads, the assent of individual States is wholly unnecessary; but that, if we have not such power, we cannot confer it on the several States which have it already. On the question whether this Government has such power, we have had much of argument and of authority. I have enough to do, on this occasion, without entering minutely into a discussion of that point, which has been, however, and will incidentally be touched in the course of my remarks. But I could not fail to notice the pleasure with which the chairman of the Committee on Roads and Canals, and other gentlemen, have pressed on our attention the sayings of certain great men (Jefferson, Madison, and Monroe) concerning the advantages which might attend the exercise of such a power by this Government. Yes, which might attend it, if not abused; but there is the danger. I have lived long enough, however, to know how easy it is for the greatest men to throw out *obiter dicta*, either as judges or politicians, not much to be regarded, even, by themselves, and often repudiated after more reflection and greater experience. But if these sayings are of high authority as to expediency, I would ask gentlemen to reflect, if the argument as to power is not proportionally stronger against them, when these same individuals, and sometimes in the most solemn manner, with all their partiality for the power, have felt themselves constrained to deny its constitutional existence, as claimed in this bill. We have no evidence that any of them ever changed his opinion as to the power; but it is well known that Mr. Jefferson, at least, became perfectly satisfied that the evils from exercising such a power would far overbalance the advantages. If no such power exists, this Government ought to seek some other mode of attaining its ends, continuing to act in its own sphere, and attending to its own business, without interfering with that of others, even by permission. But, whether it exists or not, it is a mistake to suppose that there are not very important differences, both in principles and details, between the plan of the amendment and that of the bill.

The bill proposes that this Government shall exercise entire and absolute control and jurisdiction over the whole subject. On the other hand, the amendment contemplates, that, when the General Government, for its own legitimate purposes, shall desire an improved road in a particular direction, it will indicate its wish to the State authorities, and offer the necessary funds, on terms advantageous to all. In this way neither Government would confer any new powers on the other. The State would not give its assent for the General Government to do that which was to be done by itself; nor would this Government confer on the State any authority to do that which the State had an undoubted right to do before. In making and preserving such a road, any State would exercise precisely the same powers as are in operation every day, and would use the money from this Government precisely as if it had been derived from any other source. On the other hand, this Government would use the road as it now uses all the roads made by the States throughout the Union; and, in its lawful operations, instead of using bad roads without pay, or improved ones by paying tolls as it now does, would have given so much money for the free use forever of a good road. As to jurisdiction, the whole community and the respective Governments would stand precisely as they do at this day, without any controversy whatever on that subject, while the object of all would have been attained. Not only would all collisions and difficulties as to jurisdiction be obviated by the plan of the amendment, but that patronage, which is inseparable from the subject, would remain scattered in the hands of the State authorities, instead of being transferred and concentrated here. All agree that the patronage of the President is great, as it now is; and I know of none, who avowedly advocate its

enlargement, when there is no necessity for doing so. There is no necessity for it in this case—and I put this point home to every member of this committee. We are told that this Government is to go on making internal improvements all over the Union—and that, after the payment of the national debt, millions on millions, every year, are to be expended in this way. If so, what will the patronage of the Executive come to? Or rather, what will it not be? Can the opponents of any administration ever wish to see it possessed of such power? And no friend of his country ought ever to desire it for a President of his own choice. But the gentleman over the way [Mr. MEXCER] has told us that there is no danger at all on the score of patronage—and he says, that this system will give us opportunities of doing some good while we enjoy our places on this floor, and tend to prevent members of Congress from running to Executive bureaux in search of offices. I confess that I am at some loss to comprehend the honorable gentleman's meaning. But I am apprised of his profitable experience on this subject, and doubt not that he might be able, from that, to inform us more fully how to provide for ourselves, so as effectually to prevent the necessity of running to the bureau. It may be that there are ways and means for getting such things done—and, possibly, that gentleman may understand, better than any other, how a member of Congress, by using extraordinary exertions to obtain from this Government a million of dollars or more for some project of internal improvement, might get himself into a birth worth fifteen hundred or two thousand dollars a year, in addition to his pay here—and thus be freed from the necessity of running to a bureau to get an office worth less than the double business of President of a Canal Board and member of Congress. I am not satisfied, however, that such successful adventures of members of Congress would tend much to diminish the patronage, or any other evils which may have been apprehended.

Economy is another consideration which ought never to be overlooked. No proposition, I take it, is better established, both by reason and experience, than that, with equal means to accomplish a given work, the General Government would be less economical than the State Governments, and they less than corporate companies, and they less than individuals. What the difference would be, can, of course, be only matter of conjecture, as the means of calculation are vague and contingent; but it is fair to suppose that a third or a fourth would be saved by expending the money under State authority, instead of this Government; or that the road would be in that proportion better, if any particular sum by the mile were applied to the work. But there is one feature of the amendment which I consider peculiarly felicitous, in its tendency to economy, security, and faithfulness generally, in the disbursement; and that is the power of the President to withhold the subsequent instalments, if the former should not be properly applied. While the money would be expended under the superior economy of State authorities, on an object desirable to have accomplished, a reasonable security for this Government, and restraint on others, would exist in the salutary supervision and conditional control of the President.

It seems to me that, on the great points of jurisdiction, patronage, and economy, the plan of the amendment is unquestionably preferable to that of the bill, and that, if the road is to be made, it had better be done under State authority. But as some gentlemen still think, no doubt, that this bill may answer the purpose, I must ask their attention to some further particulars. This bill is a legislative curiosity. It must be kept in mind that the President is directed to take "prompt and effectual measures" to have the road made from one end of the United States to the other. I beg to know what measures he is to take. I cannot see; the bill does not tell us. Yet they are to be

"prompt," and such as shall be "effectual." We are to pass the bill into a law; it is not to be controlled—its operations must not be stopped—the work must go on, regardless alike of States, corporations, and individuals. A road must be had by some means. But how? It is easy to make one on paper; but what is to be the process in practice and reality? It is time to think of things as they are and will be in fact. "Can the President do any thing that we may choose to direct him, without our providing any of the ordinary means? Let me ask gentlemen how he will manage to condemn the lands of individuals for this road? How is he to call a jury to assess damages? Not a syllable do we find on this subject. All is to be done by the fiat of the President, who is to go on, it would seem, and take the property without judge or jury. But the commissioners, forsooth, are to make contracts with the owners of the lands. This is all very well, as far as it goes—but how far is that? It is said that the road will be about fifteen hundred miles long—and does any practical man suppose that the commissioners will be able to find all the owners of the various tracts of land over which the road ought to run? Most of the owners are, doubtless, near to the route of the road; but who can tell where many others may be in different parts of the Union, and in other parts of the world? If, however, they could all be found, I would next inquire who they are, and what powers they have to make the contracts desired. Many of them, probably, would be laboring under some legal disability, of infancy, or coverture, or insanity. Some of these difficulties might be obviated; but others might be absolutely insurmountable. Of those who could be found, and would be capable of making contracts, there might be some inclined to charge exorbitant damages, and especially when no means were provided for condemning the land at a fair price.

The terms of this bill would require of the President to do that which it might be impossible for him to perform, and would, probably, accumulate difficulties and expenses utterly intolerable. But those which I have just suggested would all be removed at once by adopting the amendment. The State authorities are in the habit, as occasion may require, of condemning the lands of any person whatever for the purposes of roads, and of paying the fair value, without being imposed on—and they would exercise the power for this road, as in any other case. It might be useful for the commissioners, as far as practicable, to receive from the owners, respectively, such statements, in writing, as would show the amount of damages which they would be willing to receive; and those statements, as far as they were reasonable, would be data for the State authorities.

The claims of individual owners of land, however, are not all that must be adjusted on this road. Turnpike companies have rights of peculiar and embarrassing character. How many there may be on the whole route, I do not know, but enough to make fact supersede speculation, as there are certainly some at important places in the State of Virginia, on the route proposed in the bill, at and near the Blue Ridge and the Alleghany mountain. Have gentlemen examined the extent of the duties and rights of these companies what they are bound to perform, how much they have expended, and what exactions they may make? It might be well to reflect, too, that Virginia has a standing law for the State to subscribe part of the stock in such companies—two-fifths, I think, after individuals shall have taken three-fifths—and I am well informed that she has such an interest in some of the very turnpikes to which I allude. Their roads are not in conformity with the one proposed, and, in some respects, may be very inferior. Of course, they would not come within the exceptions, or escape the operations of this bill. How is the President to manage these parts of the concern? Shall he fix up an opposition road hard by, at unnecessary and enormous expense? Or shall he assume jurisdiction and control of the

present road? In either way, the company's charter would be virtually repealed—a resort would be made to Virginia to maintain those vested rights which she had given—and, let me tell gentlemen, she would maintain them. But, suppose all other parts of this road should be completed, and the turnpikes not interfered with, then they might continue to be in very inferior condition, while their owners would receive an enormous amount of tolls, in consequence of the general improvement of the road.

None of these consequences could be tolerated; and every gentleman will perceive at once how desirable it would be to have those charters modified to suit the occasion, as to the kind of road and the rate of tolls. But how could it be done? The General Government has no right to grant such charters, and, of course, none to modify them. The power to do so is not only omitted in the constitution, but it was expressly proposed in the convention, and positively refused. Such a refusal to grant power has always been regarded as conclusive against its exercise, in the opinion of every sound expositor of the constitution. I am aware, sir, that this argument, as applied to various parts of the proceedings of the convention, militates against the power of the General Government over the subject of roads, far more than is necessary for my present purpose, which is to show that this Government cannot interfere with these road charters, and that the State Governments must be resorted to for such a purpose. I would persuade gentlemen to leave the adjustment of these turnpike charters to the State legislatures that made them, and could modify them, according to such understandings with the companies as might be easily obtained, with the means at command, if those legislatures had the management of the road. There is a clause in the proposed amendment, to save the rights of these corporations, and to give opportunity for an adjustment of them, beneficial to all; but no such provision either is or can be in the bill, on the principles involved in making the road by this Government.

If the plan of the amendment be so decidedly preferable on the great points of jurisdiction, patronage, economy, the rights of individuals and of corporations, I would ask why it ought not to be adopted? Will any gentleman say that it is not a practical plan? Why not? If any State has a right now to make a road, in its own territory, where this Government desires one, as well as any where else, surely the right or power to do so will not be diminished by the aid of money from this Government; and, as far as the respective States might be willing to perform the work, it is morally certain that it would be well done in a reasonable time.

I have occasionally heard it suggested, however, that some one or more of the States might not be willing to accept of the proposition, and parts of the road might not be made. In the first place, I would say, if the whole road would be worth the money advanced, part of it ought to be worth its proportional share. As to the residue of the road, I would ask the objector this plain question, if he is prepared to vote for making it, by the direct action of this Government, through any State of this Union, that might be opposed to the exercise of such a power? If there be any such politician here, I would suggest to him with how much greater plausibility he could urge that it was "necessary and proper" to do so, after the refusal of such State to execute the work under a fair proposition from this Government. But, if any State would refuse to accept the money, and make its own part of the road, can it be supposed that the same State would quietly acquiesce in its being done by this Government? The chances are certainly the other way, and I speak, in some degree, advisedly on this point. In this view of the matter, sustained by facts which cannot be overlooked, I ask gentlemen, who really desire this road, to reflect on the choice which it will be most prudent for them to

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make. On which side lies the probability of success? And on which the strongest apprehension of danger?

To pass such a bill as that now under consideration would be nothing less, sir, than invoking a direct collision with some of the States of this Union. Have gentlemen forgot the quarters from which we have been admonished not to exercise this power? Or are they determined to push on to extremities, regardless of the admonitions, and without necessity? If they "love power and forget right," let them at least remember prudence. Sir, I will name no other State than my own—and I admit that her legislature has not been entirely uniform in its resolutions; but my colleagues cannot have forgot that the very last one it adopted on this subject, denies, most emphatically and unequivocally, the power assumed in this bill. Tennessee did right to deny it, sir; and it will be for her to determine when occasion may require her to maintain the position. As the constitution of this Union now stands, she ought never to surrender the jurisdiction and control of her roads to any Government on earth.

I am willing that this Government shall always exercise fully and perfectly its lawful authority; but more than that I cannot knowingly either assume or agree to, without detracting from those rights which belong to that State which has been my home through life. However much I may love the true Government of this Union, I yet have a stronger attachment to that of my own State. I take pride in the name of American, but I glory more in the name of Tennessee.

This General Government is well while acting as outposts to guard and defend our liberties; but my State is an important apartment in the citadel itself; and to that I am to retire in the last extremity, whenever the outposts shall yield to a foreign force, or shall turn themselves, and become assailants.

In the politics of this great Federal Republic, Tennessee is my first love, and my last hope!

I call on the friends of harmony and good order, generally, to beware. I show them a plan of conciliation—a way in which the object may be attained, without sending our President on the Quixotic adventure of a tournament with some of the States. I am not disposed to engage the President of my choice in any such unnecessary and hazardous business. His enemies may do so, if they choose. I ask gentlemen why they are so pertinaciously opposed to altering this bill. There must be something more involved than the particular road in question. They go for principle, forsooth; but they ought to remember that others, also, have some regard for principle, and cannot go with their neighbors beyond certain bounds, while those neighbors have no necessity for going so far. They contend for the right of this Government to make roads, and seem determined to exercise it, even without necessity, and in defiance of the supposed rights of others. It might be well for gentlemen not to forget the moral of our own revolutionary struggle. Great Britain contended for principle, and insisted on the right of taxation. She would not listen to the remonstrances of the colonies. She claimed the right, and would exercise it. Nor would she be admonished by the fable of the madman, who would shear the wolf, simply because he claimed the right to do so. Some gentlemen seem to think lightly of any opposition to their career; but let me tell them, that no community of freemen will patiently endure to be continually intruded upon, when they believe that every intrusion tends to affect, and eventually to destroy, their rights and liberties. While those, who feel their own power, are displaying it wantonly and tauntingly, they are sometimes but little aware of the consequences of their own conduct. And if a majority are determined to force this bill through, I wash my hands of it, and shall be under no obligation to maintain the usurpation.

Lest any one should suppose that the completion of the

road might be retarded by having it done under State authority, and that the President might begin the work under the bill before the legislatures could act on the subject, so as to make a material difference as to time, I have procured authentic information to remove such an apprehension. If any gentleman supposes that this work would be done in either way, in a few months, or even years, he is much mistaken; and it is proper to know the truth on this point, whatever may be the effect. For that purpose, I beg leave to read a note which I have received from the Engineer Department.

"TOPOGRAPHICAL BUREAU,
March 29, 1830.

SIR: In answer to Mr. Lea's letter of the 25th instant, which you referred to me, I have the honor to state, that, taking into consideration the distance, the necessity that the level should accompany the compass throughout, the time lost by Sundays, wet weather, and accidents, the usual average of miles per day in doing such work in the field, in which a sufficient number of details will have to be collected to form a correct basis for estimates and plans of construction, and the usual time required in composing the drawings of the survey and the reports, and that there may be but three parties employed on the entire distance between Buffalo and New Orleans, I do not think it would be safe to estimate, for the completion of this labor, less time than two years.

Very respectfully, your obedient servant,

JOHN J. ABERT,
Lieutenant Col. and T. E.
Gen. C. GRATIOT, Chief Engineer U. S. A."

From this letter it appears that, with three companies of commissioners, the surveys and estimates would require two years. The bill proposes but one company; and so, I presume, it would be six years before the work would begin, as the whole would have to be first surveyed. It is said, however, that, in this particular, the bill is to be amended, so as to allow three companies. It seems to me that it might be better to have more. Why not a dozen? The money would be scattered along the road so much the sooner; and that, after all, I take to be the most persuasive argument in favor of the nationality of this and other roads. I hope, however, that the surveys might be completed in time for the legislatures of 1832 to act on the subject.

I have a few words to say concerning the kind of road contemplated. It will be observed that my amendment adopts the same kind, and same price, proposed in the bill. I was desirous that the principle should be fairly tested, and was unwilling that the amendment should carry heavier weight in the race. But I would not, therefore, have it understood that I am satisfied with that sort of road or that price. No, the inequality is too great. While others are to have railroads, and Macadamized roads, with stone aqueducts and magnificent bridges, I want something better for my country than a mudpike and corduroy causeways. The refinement of some gentlemen here perhaps may not apprehend the meaning of these terms, but no matter—I can assure them that we of the backwoods have experienced enough to understand them perfectly. My people are poor, I admit; and gentlemen seem to take it for granted that they will be thankful for small favors. Fifteen hundred dollars a mile, at most! And this is to pay for all damages to land, for grading and shaping the road, for materials, for travelling where necessary, and for making culverts and bridges! How can any gentleman believe that such a sum will answer all these purposes? It is not half enough to do the work as it ought to be; and less than three thousand dollars a mile ought never to have been proposed, if a good road was intended, even of second rate. Yet, the gentleman from Virginia [Mr. MENCHER] has said that, if he had

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been on the Committee on Roads and Canals, he would not have been willing to report the bill with more than a thousand dollars a mile, as that was as much as we ought to have, and that fifteen hundred dollars a mile was very extravagant, indeed! And this, too, is from the same gentleman, (but not the only one,) who stated that gentlemen from other quarters ought to vote for this bill, to show their liberality and generosity towards the West! I will not deny that I feel indignant when I hear such insulting mockery. In one breath we are told that the road will enrich the country, and, in the next, that a few dollars will make it.

I have another objection to this bill. It neither makes any provision for the preservation of the road, after it shall have been made, nor gives us any intimation of the mode that is to be hereafter resorted to for that purpose. If this road is to be made, I wish to understand the whole concern, from the beginning. Are we to have appropriations made from year to year? Or shall we hereafter establish a system of toll gates? Or will a surrender be made to the States? I ask gentlemen to tell us, if they please, which of these modes is to be adopted. Are they afraid to do so? I am afraid to risk it without. This physis, which is to cure the body politic, may be vitally dangerous, if we take it thus in broken doses. Sir, the manner in which this measure and its policy is to operate hereafter, is of its essence at present. If any gentleman is opposed to annual appropriations, how can he know but that mode may be adopted? If any one is in favor of a surrender to the States, has he any assurance that it will be done? If another is adverse to a toll gate system, by this Government, as most odious and dangerous, has he not evidence enough before his eyes to make him fear that this will be the favorite plan? How many are prepared to leap in the dark? Sir, if I had no other objection to this bill, I would scorn to vote for it with such deception stamped on its face. You offer me a road for the benefit of my people; and what then? You fix a system of tolls at what rate you please, and send your federal officers there to collect them in the federal courts, from any body and every body, if you choose, without regard to persons or business. And these tolls, for any thing we know, may be applied to making roads in other parts of the Union. Sir, I desire the Legislature of Tennessee to judge of the tolls which her citizens are to pay within her borders; and, with that precaution, they will never complain of moderate tolls to keep up the road after it shall have been made.

I invite attention particularly to the provisions of the amendment in relation to tolls, as containing a plan quite practical and safe. The commissioners, who will have so much else to do with this matter, and will therefore be able to perform this duty to great advantage, are, first, to report a rate of tolls to the President. He will have the different reports compared and made uniform, profiting by the suggestions of all, before he gives his sanction. The State Legislatures are afterwards to judge of these tolls, as a part of the proposition for them to accept. Approved by the commissioners, the President, and the State Legislatures, these tolls may be collected from any part of the road, as soon as it may be fit for use, and shall be entirely applied to the preservation and improvement of the road. They will also be uniform, and cannot be changed, without the assent of Congress, so that no State may impose unreasonable tolls, or speculate on any other. What better plan for repairing the road can any gentleman devise or desire? And why might it not be adopted at once, and thus prevent all future controversies on this part of the subject? This Government would have the use of the road, toll free; and what more could it desire?

One of my honorable colleagues, [Mr. ISACKS] for whom I have much respect, seems to "halt between two opinions," and while he contends most manfully for the power of this Government to make roads, nevertheless admits

that it cannot afterwards exercise jurisdiction over them, so as to keep them in repair. It would seem to be a pity, indeed, that a fine road should have to be abandoned to chance as soon as made. This concession is full of argument in favor of all the views which I have presented, and must lead that gentleman to adopt them, if he will preserve his own consistency. Let the powers to make and to preserve be in the same Government.

I have endeavored to give a practical view of the bill, and of the contemplated amendment, in relation both to the making and the preservation of this road. I have compared the two plans, on the points of jurisdiction, patronage, and economy; the condemnation of lands and the rights of turnpike companies; practicability and probability of success; the time of execution, and kind of road; tolls and repairs. In exercising my own opinion, I cannot doubt that the amendment is decidedly preferable, in every particular wherein it differs from the bill; but every gentleman will judge and decide for himself, and I have done with this comparison.

I beg leave now to make a few remarks concerning the route of this road; but I am sensible that it would be a waste of time to detain the committee long on this point, after so much has been so ably urged concerning it by others. In estimating the general as well as comparative importance of the road, I think gentlemen have gone to extremes on both sides. But I confess that my knowledge is very limited indeed as to the part of the road from this city to Buffalo; and, I must, in some degree, follow the example of others, by attending chiefly to my own end of it. These two projects, which have heretofore been separate, are this year linked together. One gentleman gets up and tells us all about the ways from here to Buffalo; but as to the other end of the concern, he knows very little. Another can make us a speech for hours concerning the various routes from here to New Orleans, while he admits that he scarcely knows any thing of the opposite end. Thus we see that the interests and motives connected with the one, have no sort of natural association with the other. And yet these two opposites are united in the same picture, "a horse's head and fish's tail."

How is it, then, from here to New Orleans? What is the best route?

It is said that more people will be accommodated by either the middle or southern route, than by the western. I admit that it must be so, if you take either the southern or middle route, and give to it all the people east of the Blue Ridge; but if you divide them, and give to each of those routes only its own share, then, I suppose, neither would have more than properly belongs to the western route at this time. We ought, however, to look to the future; and I have no doubt that, by the time the road could be completed, the population to be accommodated by the western would exceed that of either of the other routes, and, in time, might be nearly or quite equal to both of the others. But the people on the western route would be more accommodated, in proportion to their numbers, whatever that might be, than the people east of the Blue Ridge, for various reasons. The western route lies through a newer country, in which it is natural to suppose that the roads are not as good as in an older one, if all other things were equal. The southern country also is naturally more advantageous for common roads, though less so for making well improved ones; and thus, while the western route labors under great disadvantages at present, and would, of course, be proportionally benefited, it presents greater facilities for making a first rate road. The western route would afford greater accommodations, moreover, on account of the great land carriage of merchandise, which has long existed and must continue, from the cities north of this place, along that route as far as Alabama. If this road were made south of the Blue Ridge,

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it has not been pretended that it would be used for such a purpose, as merchandise would continue to pass coastwise, by water, to the southern ports, and thence, by rivers and roads, into the interior. But it has been said that the road would answer well in the South, for carrying surplus productions to the navigable rivers. If such neighborhood nationality is to be regarded in this case, it would answer a similar purpose on the western route, perhaps to a greater extent. The western route would be fairly commercial, from this vicinity to Alabama; but no southern route would be so regarded.

For military purposes, I cannot see that a southern route would afford any very valuable facility. The natural course for supplies of troops and provisions is from the upper country to the seaboard, and not parallel with it, at a very respectful distance in the interior. That chivalry which really belongs to the South, would not, I am persuaded, recognise this as a military road, which would not lead towards the enemy. But how would the western route be in a military point of view? From the Tennessee line, upper Virginia might send down supplies of troops and provisions, inferior to none, even to this place, or to others more south, by obliquing in that direction from various points. Southwest from the same Tennessee line, the road would lead directly to that part of the Union most exposed and most needing assistance; and this is true of any branch which may be selected, of the western route. But it has been said that our rivers supersede the necessity of this part of the road. It cannot be denied that they do, to some extent; and that our rivers must always be relied on as our principal channels for throwing military aid to the defence of the Gulf frontier, as well as for commercial purposes; and if they were properly improved and connected, the road would be of comparatively less value, but would continue to furnish important additional facilities, in connexion with the rivers, and, sometimes, as a substitute for them.

As to the mail, it is admitted by all that the advantages would be great on any of the routes. I argue, however, that the advantages on the western route would be greatest, because the southern roads are now better than the western, and most would be gained by making improvement where most needed, especially where the means are better for making it permanent. How much might be saved in transporting the mail is uncertain, as well as the other benefits from expedition; and every gentleman must conjecture and calculate for himself. I have not considered it important to make a particular comparison of distances, not regarding the differences as great enough to influence materially the final decision.

When viewing this road in its military aspect, the gentleman from Virginia [Mr. MEXER] adverted to some circumstances as connected with the defence of New Orleans. I omitted to notice his remarks in mine under the same head, and I would not now stop to retrace my steps for the purpose of setting him right, if I did not think part of what he said was too unnecessary and inaccurate, in the best view of it, to let it pass without some reply. That gentleman took occasion to step out of his way, it seemed to me, for the purpose of giving us a fact which happens to be no fact; and an opinion based on that unfortunate foundation, that if Colonel Thornton, who commanded the British forces on the opposite side of the Mississippi from New Orleans, had not been guilty of one of the grossest military blunders, the American forces on this side of the river must have been driven from their entrenchments, and compelled to retreat to the city, with all the consequences. That gross blunder was in not turning against our troops, on this side of the river, some of the cannon which had fallen into the British colonel's hands, at the post necessarily abandoned by Commodore Patterson, when a single piece thus turned would have accomplished the overthrow just mentioned. Sir, it may

suit the fancy or purposes of that gentleman thus unjustly to tear laurels from the brows of brave men; but I am unwilling to tarnish the reputation of even an enemy, by such a ridiculous and wanton error. It is matter of history, notorious to the very schoolboys of the country, that Commodore Patterson spiked those very cannon, when he was compelled to abandon his position; and yet he is to be charged with the high criminality of neglecting his duty to do so, and the British colonel with the gross blunder of not turning one of them on his adversary, and the countervailing measures of the American commander-in-chief are to be forgotten. Even if that gentleman has such a desire, he need not expect thus to extinguish or darken the glories of that day.

If the comparison of routes, which others have made more at large, and I have briefly presented, be not very erroneous, (and I think it will puzzle gentlemen to show that it is so in any particular,) then the inference is easy, that the western route is preferable to any southern route, on all the three great points of commerce, war, and the mail.

I have given you some of my views on the best mode and the best route for making this road, and it remains to inquire whether it ought to be made in any way.

There are two aspects of this part of the subject. In the one, the particular measure may be looked to as a means for promoting the efficient action of this Government in its own legitimate operations. In the other, it may be regarded as part of a system of raising and disbursing money.

The first view of it is strictly governmental, which I take to be the true meaning of the term national, as applied to these subjects, as well as to all others under the action of this Government, whose powers extend only to the means "necessary and proper" to accomplish certain specified objects, with a view to general consequences. We ought to look to the uses which this Government, as such, (and not any portion of the community,) may have for a particular work, to determine its character. It is national or not, as this Government may or may not have use for it, in as much as the States and people can know nothing of this aggregate nation, except through the action of the General Government, in which alone consists the identity or nationality of this Union itself. If a work is desired for such purposes, the extent of it is entirely indifferent, and the whole of a long road used for governmental purposes is no more national than any part of it used in the same way, as a large ship of the navy is no more national than a small one. The inquiries, then, ought to be: First. What use will the Government have for the work? Second. Has it a right to apply money to such purposes? Third. Will its advantages be equal to its expenditure? All private or local concerns are out of the question, and every gentleman should put it to his conscience to determine the case without regard to them; and, at the same time, with an eye single to the particular measure in question, as standing on its own intrinsic merits. Where the advantages to this Government, in all its legitimate operations, could be fairly estimated as worth more than the interest of the money, it might be difficult to show that it would not be a judicious, permanent investment. Whether this bill presents such a case, depends on calculations of economy and security, which every gentleman must make for himself, in connexion with the ultimate extent of the work and the manner of its execution. Whenever these shall have been ascertained and fixed, then the means will be at hand for a final decision.

Having said thus much of the road as a strictly governmental measure, and abstracted from others, permit me now to notice it as part of a system of raising and disbursing money. It has not been, and will not be, denied, that it is the policy of many gentlemen to raise a great revenue for the purpose of expending, and to devise

almost every possible means of expending for the purpose of continuing to raise it. One of these means is a general system of internal improvements, not for the proper purposes of the Government itself, but for distributing the money that more may be raised. Various contrivances are resorted to for scattering some of it among the people, in order to flatter and tempt them to sanction this insidious and ruinous policy. As long as the national debt shall be unpaid, a powerful argument will exist for continuing to raise a large revenue; and, therefore, it is the business of the politicians of whom I speak, to delay the final payment of that debt as much as possible. Although every dollar which is not necessary for the ordinary expenses of the Government, might be applied to that debt, so as to have it paid off in a short time, yet the utmost ingenuity and invention seem to be resorted to for draining the treasury, to postpone the payment of the national debt, and for committing the Government, in the mean time, in various projects of enormous expenditure, so as to create a necessity for continuing high duties. Co-operating with these politicians, on the one hand, there are some who look more to the effects of raising than of disbursing the revenue; while, on the other, there are some who look more to the disbursing than to the raising of it; but the joint operation is a grand system of ins and outs, calculated to increase the powers of this Government from year to year, to an unlimited extent, while its controlling influence will be felt in all our concerns, until distraction and disunion may follow from the gross inequality of its exactions and favors.

Although it is apparent, from what I have heretofore shown, that the payment of the national debt would be very little retarded by making this road alone, yet the danger is, that so many other projects might be adopted as to delay the payment until this road would come in for its full share in the work of procrastination. In this connection, too, it is worthy of remark, that, while other parts of the Union, in various projects now before Congress, are ready to receive and use whatever they can get, to the amount of millions, as fast as laws can be passed to give it to them, the people on this road would have just begun to receive something two or three years hence. What would then be their condition, if this Government were to go on from this time in a system of internal improvements, and other liberal expenditures? Could they expect, although thus postponed, that any other improvements would be put into operation near to this road during its progress in making? No, sir. Its importance has been so magnified by its over-zealous friends, that they could look for nothing, or but very little more, in a long time. But the Government, in the mean while, would be involved in projects enough to exhaust all the surplus revenue for many years to come, and the people near to this road would have it, and nothing else, probably, as their only consolation for millions on millions, paid and to be paid by them, in support of the darling system which I have already described.

I would ask some of my colleagues, especially, to pause and reflect on this system; to calculate its supposed advantages and real burdens. General principles are sometimes best understood by particular examples; and I will, therefore, apply a few remarks to that section of country in which I live. How much will this whole road give to East Tennessee? Not more than between three and four hundred thousand dollars; and that would not all get there in less than six years. On the other hand, how much does that same East Tennessee pay every year into the treasury of the United States? If we pay at an average rate with other parts of the Union, our contribution is about four hundred thousand dollars every year. The calculation is so plain and easy that no man can misunderstand it. The whole number of people in the United States is about twelve millions, and the revenue from commerce is about

twenty-four millions—making twice as many dollars as people. The population of East Tennessee is about two hundred thousand, and two dollars a head amounts to the four hundred thousand before stated. About half the whole revenue from commerce goes every year towards paying the national debt; and, if that were paid, the one dollar a head, or two hundred thousand dollars every year, might be returned to East Tennessee as its proportion of the surplus, if the duties and revenue should not be diminished, deducting from that amount the expenses of collecting and refunding. Or, if the revenue should be diminished to the ordinary expenses of the Government, the surplus two hundred thousand dollars might remain in the pockets of the people, without any deduction for collecting and refunding. In this way it appears that the surplus revenue for between eighteen months and two years would be equal to the utmost amount that this road could ever bring into East Tennessee; and, as the national debt might be paid, but for this system, about as soon as the making of this road would commence, the people of East Tennessee might have as much money in two years, after paying the debt, as they would get in four, by means of this road; and, in the one case, by reducing the revenue, they would have kept their own money; while, in the other, they would have to work for it.

Will any gentleman from that quarter say that we do not pay our average share of the common revenue? I apprehend that any one would hesitate to give such an opinion, looking to the condition of the southern and southwestern States, as compared with others; and it might be a pity thus to spoil our own arguments in favor of getting a full share of what is going. It is impossible to ascertain the precise proportion paid by any part of the Union; nor is it my purpose now to attempt a general development of the various operations of our revenue and protecting systems united. It is enough for my purpose to say, what candor ought always to admit, that the burden falls and remains on three classes of our general community: First. The producers of the articles sent to foreign markets, including not only those who are immediately engaged in raising those articles, but also such as furnish them with food and other necessary supplies. Second. The carriers. Third. The consumers of the goods brought back in return for our produce. We all know that the southern country produces about two-thirds of all the articles taken from the United States to foreign markets, and the cotton planters alone more than half of the whole. Thus we see, at once, how East Tennessee, of which I have been speaking, sustains, both directly and indirectly, as a producer, far more than its proportional share of the common burden. But the disproportion does not stop here, and reaches beyond what we pay into the treasury, also, on account of the distance and difficulty of transportation between us and our seaboard markets. Some of the improvements contemplated would diminish this evil, but it must always continue comparatively great. The duties on the goods originally paid by the importing merchant grow with every change of owners, and with the progress of distance and of time, until the consumer makes his payment. This is substantially true, too, whether the consumer indemnifies for actual duties paid on foreign articles, or is compelled to give a higher price, on account of such duties, for articles made in our own country, as is the case in the indispensable item of salt. Whatever may be the condition of others, it is absolutely certain that the people of East Tennessee bear these burdens: First. In the higher prices which they have to pay for what they buy and consume; their tools, clothing, and food, even in every mouthful, if they can get salt to put in it. And, second. In their diminished sales and lower prices for what they may sell to those who are less able to buy, for similar reasons.

I hope to be pardoned for adducing these common-

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place ideas; for, after all, they contain truths which ought not to be forgotten; and on the neglect or correct application of which depend some of the most important results. The section of country in which I live, as well as other parts of the Union, has been for years laboring under the consuming influence of the policy alluded to, and without even the semblance of any correlative advantage, until its pecuniary resources are almost exhausted, and its spirit of industry and enterprise, beyond absolute necessity, is almost extinguished. It is withered, like the leaves in autumn, by the frost of this chilling policy. The smooth, plump figure of health and plenty is wasting away to the mere skeleton of what it once was. How long will we continue to attribute our disease to something else than the true cause, and consequently fail to apply the proper remedy? Shall we look to favors from this Government, to compensate for the evils? What will all the promised or expected disbursements amount to in that quarter, compared with our burdens? Who is so stupid as to suppose that East Tennessee could get even two hundred thousand dollars a year expended in it, although an absolute gift of that sum would be far, very far, from equal to its share of the burden in sustaining this intolerable policy? But even an equal distribution of the treasury would not indemnify that country, which would continue to suffer more than an equal share of the injury.

It is only necessary to understand the facts, in order to know, with perfect certainty, what ought to be our policy. Instead of continuing, beyond the ordinary necessities of the Government, to raise money in order to scatter it again over the country, we ought to let it remain in the pockets of the people, and save them all the expense, and trouble, and difficulty of collecting and returning that, which, as a general rule, had better have remained where it started. Nor should the old adage be forgotten, that "a bird in the hand is worth two in the bush." The money might never return; much of it would be sure to stick by the way; and those who have, or can get any, had better keep it, than send it here under the hope of getting it back again at some future day. In the hands of individuals, it will generally be used to best advantage; but, if either the General or State Governments should have any extraordinary or special object to accomplish, enough will be always at command, when every man could rub together a few dollars in his pocket. Nearly every improvement, however, of public importance, and which would be worth the cost of making it, might be accomplished by individual enterprise and corporate companies. The wealthy would vest a portion of their capital in public works, and thus distribute their treasures among the poorer classes, when the Government had ceased to give direction to that capital, and, at the same time, freed the poor as well as the rich from unnecessary taxation.

Towards attaining these ends, the first great step is to pay the national debt as soon as possible. If that were done, every citizen would at once inquire, why the revenue might not be reduced one-half, and let the people keep in their own hands the amount which goes every year to that debt. To get the nation properly to this inquiry, is a matter of the very first importance; and, therefore, every dollar that can be spared, ought to be applied to the debt, and every unnecessary expenditure avoided. The work of reduction might then be completed, as it should be; but it ought to progress from the present time. It is not my purpose now to say on what articles, or how low, the duties ought to be reduced, but to indicate a principle to be extended as far as the various interests of the country will allow—as far as propriety will justify.

It is astonishing to hear gentlemen talking of our distributing money, as if we had the faculty of speaking it into existence, or obtaining it from some foreign country. If this Government really got its money any where else than from our own people, it might be a blessing to them,

even to squander it in a general system of internal improvements. But it is the kindness of cruelty itself to wrest it from their hands, where it is worth, for example, six per cent. in order to spend it in projects, which can never yield to the Government and the community any advantages equal to three, or two, or even one per cent. I ask, emphatically, if the people would submit to it—if they would allow this Government to carry on a general system of internal improvements, if the money had to be raised from them by direct taxation? No, in that case there would not be on this floor even one advocate for the system. My honorable colleague [Mr. BLAIR] told us frankly and plainly that he would be far, very far, from thus taxing his people for any such purpose; and yet, direct taxation to the same amount with unrestricted commerce, would be preferable for all that portion of the Union, to the present mode of raising our revenue. If none would be found favorable to the system with direct taxes, are we, nevertheless, to be told, that these same people ought to be taxed to the same amount, and for the very same purpose, but in a different mode, which is more oppressive in some respects, notwithstanding the delusion by which it flatters us to the contrary? Do gentlemen intend to deceive their constituents? Or do they think the people incapable of examining this thing to the bottom? If they are, sir, it is vain to hope for preserving their liberties, as secured by our present forms of Government. We all see how fashionable it is becoming to look on State Governments with jealousy, if not contempt, while this Government is regarded as the exhaustless source of favors. The former raise their revenue by direct, the latter by indirect taxation. If the people will not understand and feel that indirect taxes are a burden, what is to restrain us from raising them to an indefinite extent, if for no other purpose than to squander them among those who regard themselves only as receivers, and not as payers? And what could then prevent this Government from extending its powers without limitation, and to the utter extinction of all State authorities? After what I have seen—what every citizen ought to know—tell me not of constitutional barriers—of cobwebs—as opposed to such an influence. Every day's experience confirms the awful truth, that our liberties depend on a correct understanding by the people of the principles of taxation by our respective Governments. And, if our political system shall ever fail, its ruin will be traced to this difference between direct and indirect taxation.

We are warned by every thing dear to man, against being deceived ourselves, or attempting to deceive others. We ought to rely on the intelligence of our constituents, and not practise on their supposed ignorance. They have placed honorable reliance on us, not merely to serve them faithfully here, but, also, to profit by our situation in obtaining information for them. While we respect their opinions, let us perform our twofold duty with becoming firmness and candor. Whatever may be our votes on the particular subject before us, let us tell our people the undeniable truth, that the contemplated system of internal improvements cannot be supported, except with their own money drawn from them in some way. Then, after they shall have reflected on it maturely, they will respond to us in the significant phrase of the sagacious Franklin, "it would, indeed, be paying too dear for the whistle."

Mr. NORTON said, that, representing as he did the district in which this great national road was contemplated to be commenced, and knowing that his constituents felt a deep interest in the passage of the law authorizing the construction of it, he was not at liberty to follow his own inclination by giving a silent though an affirmative vote.

The honorable gentleman from Pennsylvania, [said Mr. N.] who reported this bill, having gone at length into the constitutional question—a question that never fails to arise whenever any project of internal improvement is pre-

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presented to this House; and having, in my opinion, shown, most conclusively, that no one provision of that constitution will be violated by the passage of this act, it would be obtrusive in me to say one word upon that subject; and that gentleman, as well as many others, having also clearly pointed out the advantages that would accrue to almost every section of this Union, both in a mercantile and commercial point of view, it would be trespassing upon the indulgence of this committee to compel them to listen to further argument upon that division of the subject.

But there is another branch of this imposing project that I must not pass over in silence; indeed, if I were to do so, I should be greatly wanting in courtesy to the honorable gentleman from Virginia, who opened the debate in opposition to this bill. I mean, that division of the argument which particularly relates to the military operations of this Government.

The honorable chairman of the Committee on Internal Improvements, in opening this debate, portrayed, in strong and persuasive language, not only the facilities that would be afforded for defence, but also the duty that this and every other Government owes to its citizens, or to its subjects, to render them efficient protection whenever dangers arise from abroad.

The answer to this, by the gentleman from Virginia, was, that heavy ordnance, and other munitions of war, would never be transported by land, while there was a safe, cheap, and expeditious communication by water; and that, by the enterprise of the citizens of the great and powerful State of New York, the General Government had been furnished with such a communication, from the seat of Government to the northwestern frontier.

And now I do assure this committee, that no part of the gentleman's argument, however eloquent and imposing, created in my mind the least alarm, except the one now under consideration; and I confess that there was a plausibility displayed by the contrast drawn between water and land carriages, that could not fail to catch the ear of every careless observer; and at this late hour in the debate, I should not have claimed the attention of the committee, had I not felt a full confidence that I should be able, in a very few words, to show the total fallacy of all the gentleman's reasoning upon that subject. And here let me assure the gentleman that I intend no disrespect to him, when I say that he seemed to have forgotten the latitude of the New York canal, and that it was actually blocked with ice almost one-half the year; and that, too, in the season when we should be most likely to be invaded from the North. Sad experience has taught us this lesson. Climate will have its influence upon the minds of gentlemen. And here the gentleman will excuse me for suggesting another difficulty, which, also, escaped his critical observation. It is well known to almost every gentleman in this House, that the Hudson and Erie canal, more than one-half of its distance, runs parallel with the Canada line, and in many places contiguous to it; and I do not hesitate to say, that, in one hour, with a spade or a hoe, I could make such breaches in its embankments, as could not be repaired in a whole campaign; and this may be done either by soldiers from the enemy's camp, or by traitors in our own.

There is one important fact to which I beg leave to call the attention of the committee, before I quit this branch of the subject. It is this: If we should be again involved in a war with Great Britain, and should determine to invade the Canadas, our preparations must be made in the winter season, when not only the canal, but all the water-courses in my section of the country are closed by ice. It is during this season that our troops must be enlisted, drilled, and marched to the frontier; that our provisions, camp equipage, military and hospital stores, ordnance, and ammunition must be collected, and placed in deposit, at or near the place of embarkation. And there is another fact,

which I request the committee to bear in mind. In that northern region we generally have good sleighing three or four months in the year; and, when that is the case, all your supplies for an army, with the exception, perhaps, of very heavy ordnance, can be transported, upon a good road, cheaper and more rapidly than they can upon the canal, where it is navigable. And, again, says the gentleman from Georgia, suppose there should be an invasion of the western part of the State of New York, they would need no aid from us at the South, or from the seat of Government. They have the means at hand of repelling it, vested in the patriotism of a dense and hardy population. All this it suits my pride to admit, so far as it relates to defence. But suppose it should be determined in a grave council of war, here at Washington, that Canada must be invaded, and orders given to the general officer who happens to be in command on that frontier at that time, to call to his aid all the hardy sons of the North for the purpose of making the conquest, first of Upper, and then of Lower Canada; and suppose that this whole population does, in fact, obey this call, as they would be very likely to do, and all rally round the national standard at Lewistown, or at Buffalo, as the case may be. What then? Why, they would be first paraded, and then, according to custom, they would be formed into a hollow square; and, after having listened to an appropriate address from the commanding general, they would be marched to the banks of the river Niagara, and there they would be called upon to survey the proud conquest before them. But, while contemplating this mighty conquest, and their fancied laurels, with the banner in one hand and the constitution in the other, they are saluted from the other shore with the sound of the bugle and a shower of Congreve rockets, which unexpected and unwelcome salutation throws the camp into some confusion, and finally results in a conference between citizens and soldiers; at which conference they gravely determine that they are not bound by any law, nor called upon by any duty, to cross the line—that the constitution of the United States does not require the militia or volunteer citizens of the State of New York to seek foreign conquest—and that they have the same good right to avail themselves of the benign provisions of that constitution, and particularly when life is at stake, as the people of the middle or even the southern States have, when a turnpike road or canal is projected.

Now, for the sake of argument, we will suppose that this road is not essentially necessary to transport troops or munitions of war from the seat of Government to the southern or eastern frontiers. But may we not suppose a case, where it would be of vital importance to make rapid movements from the frontiers to the seat of Government? Is it not possible that even this proud city of Washington may want aid? The time has been, when a few thousands of these patriotic sons of the western part of the State of New York would have received a most hearty welcome in this hospitable city. Yes, I repeat, the time has been, when a portion of the hardy yeomanry of the North, and of the West, would have been hailed here as deliverers in warding the bayonets of the invading foe from the hearts of your citizens, extinguishing the torches of foreign invaders, and saving your country from the deep humiliation of surrendering its capitol to the pillage of the common enemy.

Much has been said about the expense of making this road, and many predictions have been indulged in, and many calculations made, varying from two and a half to fifty millions. The calculation of the committee is two and a half millions; and I have more confidence in that calculation than any other that I have heard. If that is correct, it falls greatly short of the value of the public buildings in this city, which I understand have cost more than five millions. But I do not mention the expenditures in this city in the spirit of retrenchment, but for the purpose of show-

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ing the vast importance of making early preparation to defend the public property, in case this city should be again assailed. If we differ in opinion about the propriety of making this road, we must agree in this, that we all have a deep stake even in this single monument of national grandeur; and that we have a much deeper one in guarding the national character against the effects of another farce at Bladensburg.

I now owe it to the committee, and to my own character, to say, that, in the description I have given of an army constituted of the volunteer citizens and of the militia of our country, I have intended nothing in the spirit of ridicule. I have taken the last war as my text, and the commentary is a literal history of what has happened. And it is what will always happen, when you rely upon such a soldiery, either for attack or defence; and the officer whose misfortune it is to be in command, whatever may be his merit, as a man or as a soldier, is certain to meet with discomfiture and disgrace.

Mr. MUHLENBERG, of Pennsylvania, rose to claim the indulgence of the committee for a few moments only, as he did not wish to enter into a lengthy discussion of a subject which had already been more than sufficiently discussed. He presumed every member of the committee, who had given it any attention whatever, must, by that time, have made up his mind upon the question; and he could not flatter himself that any thing he might say, for or against the measure, would change a single vote. He rose merely to express a regret at the vote he found himself obliged to give if he wished to satisfy his own conscience, and promote, in his view of things, the best interests of the whole people of the Union, as he considered himself a representative for the whole, and not for a part only.

Sir, [said Mr. M.] I must, when called upon, record my vote against the bill on your table. I regret this circumstance, because I shall thereby vote against a measure which my much esteemed friend and colleague, [Mr. HENRILL] the honorable chairman of the Committee on Internal Improvements, seems to have much at heart. He, no doubt, sincerely believes that it is a measure which will tend to the general welfare, and promote the good, not only of his native State, but of the Union at large; that it will further the interests of commerce, of agriculture, of manufactures, add to the comforts of the people in peace, and their security in time of war, as well on the southern as on the northern and northwestern frontier. A more amiable man, a more patriotic and disinterested legislator, may not be found on this floor. He may possibly be correct in his views, and I in error. It is, however, human nature to differ; but every honest man must be guided by his own convictions of right and wrong, of the expediency or inexpediency of any measure upon which he is called in duty to decide.

I regret [said Mr. M.] the vote I must give, because it is in opposition to the opinion of many, perhaps in opposition to the opinion of a large majority of my colleagues, who have more experience in legislative matters than myself, and for whose opinion, collectively and individually, I have the highest regard.

I regret it, because it is apparently against the immediate interest of a considerable portion of my native State, which I have the honor to represent, in part, on this floor, so far at least as the expenditure of a considerable sum out of the common fund, within the boundaries of that State, may be considered a benefit.

But [said Mr. M.] duty compels me to overcome these regrets. What I owe to the people and their welfare, calls upon me to lay aside all personal feelings, and vote against the bill under discussion; not, indeed, because I think a measure of this kind unconstitutional. No, I have no scruples on that head. If that were the only point in dispute, I could have no hesitation and no regrets in giving a vote on the

question. It would afford me pleasure. I consider it a point long since settled—a point which, at this day, should not be called in question. If Congress have not the right to authorize internal improvements, for the purpose of regulating commerce and promoting the general welfare, to render the transportation of the mail more easy and rapid, to contribute to the comforts and happiness of the people in time of peace, and their security in time of war, it has no rights whatever; it might as well not exist—it might as well be expelled from this hall. I vote against the bill; not on constitutional principles therefore, but because I think its passage unnecessary and inexpedient, at this time at least.

The passage of the bill, I contend, is unnecessary. It is not necessary, as some gentlemen who have preceded have asserted, to establish a constitutional principle, the right of the General Government to make internal improvements. No, this question, as I have already said, has, in my humble opinion, been long since settled. Whatever this Congress may do, it will neither tend to settle or unsettle it. The express words of the constitution itself; the opinions of our ablest men on the bench; the opinions of all our Presidents, from him who was deservedly first in the hearts of the people, from Washington down to the present illustrious Chief; the opinion of the lamented Clinton, undoubtedly a statesman of the very first order; the opinions of a large majority of our State Legislatures—all have established it beyond a question, except with a few, who, although no doubt sincere in their opinions, and on that account ought to be respected, are yet too much in the habit of splitting hairs, both on the north and south side, to have much reliance placed on their judgment. Neither [said Mr. M.] does the passage of the bill appear to me necessary, as is further contended by some gentlemen who have been in advance of me, to promote the interests of commerce and agriculture, the transportation of the mail, the comfort of the people in peace, their security in time of war. No, I am far from admitting this. From this place to Buffalo, we have already more than one road, and probably as direct as any can be made. None certainly can be made better for less than three times the sum fixed as an average for the mile in the bill now before us. Indeed, we have, by taking a circuit of a few miles, an excellent turnpike for at least one-half the distance. We want, at present, in our section of the Union, no more roads for the accommodation of trade, or the transportation of the mail, or even for the comfort and convenience of the travellers; and as for the conveyance of troops and munitions of war, it is futile to speak about it. I have, to use the words of the venerable gentleman from Rhode Island, who sits on my left, [Mr. BROWN] “been utterly astonished and confounded” at the assertions of some gentlemen in this respect. How long could a mud road, costing only fifteen hundred dollars a mile, be used for such a purpose, in the spring and fall, if Government chose to use it, which I strongly suspect will never be the case? The situation of the South and West, I will admit, may be different. They may be more in want of roads than the northern section of the Union. I do not pretend to pass a positive opinion. But grant to the States, south and west of this, through which the road is proposed to be run, the sum to be expended under the bill, and the road will be infinitely better made, at much less cost, and in one-half the time. Indeed, admitting the road to be made, I know not what you are to transport upon it, either in peace or in war. Not only the cutting of innumerable roads, the opening of canals, the improvement of our rivers in every direction, the use of all-powerful steam, has, within a few years past, since the conclusion of the late war, upon which gentlemen have harped so much to show the necessity of this road, entirely changed the whole situation of our country as regards internal communications. Produce will no longer be conveyed by land for any distance. It will every where seek

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the watercourses, and they are every where near at hand. Troops and munitions of war, if they should hereafter be required at extreme points, will be moved upon these three times the distance in one-half the time that would be required upon land, where, with the best of roads, railroads excepted, the practical result of these, carried to a distance, has not yet been fully ascertained.

It would appear, then, [said Mr. M.] that the passage of the bill under consideration is unnecessary. And not only that; it appears to me extremely inexpedient at this time. Our first object (it strikes me at least in this light) should be to pay off the national debt, then to reduce—I will not say entirely take off—to reduce the duties on all articles which we can neither manufacture nor grow, or which no longer require protection, that the burdens of our people may be lightened, if not entirely taken away. And burdened they must be, in some instances, when our annual exports amount to little more than fifty millions of dollars, and the duties on the return cargoes to twenty-four millions. The district I have the honor to represent must pay an enormous tax upon the single article of salt—a tax amounting to not much less than thirty thousand dollars per annum. Can the agricultural interest—the interest which should be most cherished in our country—flourish under such circumstances? If we enter into the measure under discussion now, if we continue appropriating such enormous sums as we have heretofore done, both the one and the other, I mean the payment of the public debt and the reduction of unnecessary duties, will be materially retarded, perhaps never accomplished. This road will cost, not as is estimated in the bill, two and a half millions, it will cost fifteen or twenty millions before we are done with it. Are the people of this country forever to be taxed heavily for their tea, their toffee, their sugar, their salt, their spices, and other articles which have become necessities of life, that the sums thus taken from the sweat of their brow may be squandered upon the useless and worse than useless projects of wild theorists? I hope not. Let us be just before we are generous. Let us pay our debts. Let us reduce our duties where they are not necessary to aid and protect internal industry. This internal industry must be supported at all costs and at all hazards; upon it ultimately depends the salvation and permanent welfare of the country. Then let us divide, honestly and equally, our surplus revenue. Let this be used for the purposes of internal improvements by the States, and with one dollar we shall effect more, than in the mode now contemplated with three or four. We shall, by this course, at the same time, allay sectional jealousies. We shall promote concord and harmony in our great family, between our brethren of the North and the South, of the East and the West. We shall promote the interests of agriculture, undoubtedly the first of our country, the interests of commerce, of manufactures, the welfare of all our people in peace, and their security in war.

I will not [said Mr. M.] tax the indulgence of the committee any longer, and am grateful for the kind attention I have received. I repeat, it is with regret I shall vote against the bill under consideration, but vote against it I must, or vote against the convictions of my own mind, and what I deem the best interests of the country.

The question being then loudly called for from various parts of the House, it was put, being on the motion to strike out the enacting clause of the bill, (to destroy it,) and negatived: yeas, 75—nays, 77.

The blank for the per diem allowance to the commissioners was filled with four dollars.

The committee then took up, successively, the amendments offered by Mr. A. H. SHEPPERD, Mr. CARSON, and Mr. BARRINGER, to change the proposed route of the road, the last named gentleman being for the eastern, or metropolitan route—all of which were rejected by large majorities.

An amendment offered by Mr. McCOY, to give discretionary power to vary the route through Virginia, was also negatived—as was also Mr. RICHARDSON'S amendment to provide for a road from the lakes to Boston.

The committee then rose, and reported the bill to the House.

WEDNESDAY, APRIL 14, 1830.

THE ARMY.

The House next resumed the consideration of the resolution introduced by the Military Committee, calling on the Secretary of War for a plan to reduce the number of officers in the army, without injury to the public service.

Mr. VANCE said, he thought if the House reflected on the principles on which the army was organized at its last reduction, it would come to the conclusion that that organization should not be disturbed. He then explained the principles on which it was then established—its necessary expansion over the country, and the necessity for the present proportion of officers. It had been said by the gentleman from Tennessee, [Mr. DESHA] and from Kentucky, [Mr. WICKLIFFE] that the present ratio of officers and men was as one to seven and a half. He did not know where these gentlemen procured their information, or from what data they reckoned. He had, himself, taken much pains to satisfy himself on this subject, and the result of his examination was, that there were now employed in the service only one commissioned officer to each eighteen and about a third of the men. He then gave a history of the service of officers, compiled from the last Army Register, stating the number employed in the several departments of the army, making a total of six hundred and twelve. From these he deducted seventy belonging to the Pay and Purchasing Department, leaving only five hundred and forty-two. He next deducted forty for those employed in the Engineer Department, leaving but five hundred and two officers in actual command. He went on to show the various duties assigned to some of these by the nature of their offices, as belonging to the Ordnance, Engineer, and Subsistence Departments, stationed at the Military Academy, on the recruiting service, &c., making one hundred and ninety-nine; and, when deducted from the aggregate, leaving only three hundred and three officers to be stationed at the several posts. He would ask what officers the gentleman would dispense with in the contemplated reduction? Would they take them from the Quartermaster's Department? It is but a few days since a bill was passed to increase the number in that branch; and it is now complained by the Quartermaster General that there are not now enough to perform its duties. Would they dispense with the services of those engaged in the Ordnance Department? By examination, it would be found that they had in their care more than twelve millions of dollars worth of property, and had charge of the disbursement of one million per annum; and he asked if these men were to be discharged, and inexperienced persons appointed to do the duties with which they had become familiar. He believed they would pause before they took such a step. Should they then be taken from the Engineer Department? Why, [said Mr. V.] we have lately increased their numbers by the addition of thirty officers; and if you proceed with the system of erecting fortifications, a much greater number will have to be added to the corps. He presumed the choice of the gentleman from Kentucky [Mr. WICKLIFFE] would be, if any officers were to be dispensed with, to take them from the corps of topographical engineers, as he believed he had opposed all surveys that had been directed; but he doubted whether the people would consent to this; and the House had already taken measures for the increase of that corps. Mr. V. proceeded at some length to show the extent of essential fortifications now in progress, and said he had intended to say more, but indisposition

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prevented. He would, however, say a few words in reply to the observations of the gentleman from Kentucky, [Mr. WICKLIFFE] on the subject of the West Point Academy, and the errors into which that gentleman had fallen in relation to it. It appeared that the chief objection he had to that institution was, that it shut out from appointment in the army all who were not educated there. He would ask, what had ever been the system pursued in the army? Did not all its officers advance by the regular line of promotion? He conceived, when those scholars entered the school, they became attached to the junior class of the officers of the army. If they proved to be qualified, and kept up with their classes, they were commissioned; if not, they retired to make room for others. The doors of the institution, he contended, were open to all classes, even to the poorest boy in the country.

Mr. V. remarked that his indisposition was such as to prevent his pursuing the subject further at present.

Mr. WILLIAMS said, he was opposed to the present organization of the army, and it never had been suited to the feelings of the House. It was fastened upon the House by the vote of the Senate. All the military experience of the House condemned its features; but they were compelled to accept of it at the time, as they were convinced that otherwise no reduction would be effected at that session. Mr. W. said, there appeared to be a contest between the gentlemen belonging to the Military Committee, on the subject of the proportion which the officers in the army bore to the men—one calculating it at one to seven, and another at one to twenty. In either case, he contended, the proportion of officers was too great—the army should be reorganized, and the number of officers reduced. The gentleman from Ohio [Mr. VANCE] had, in the course of his remarks, alluded to fifty posts to be garrisoned. He would have been obliged to that gentleman if he had, at the same time, named these posts. The House had on a former occasion received a report, stating that there were seventy posts, requiring twelve thousand men; but, on examination, the number of essential posts bore but a small comparison with the report. He did not believe that there was need of fifty posts in the United States—indeed, he knew of no none excepting those of the northwestern frontier, and the frontiers of Arkansas and Missouri. He could not admit the necessity of even these, for he had ever believed that keeping up an armed force in the vicinity was more likely to bring on Indian wars, than to prevent them. Such had been the experience of the country at all times, and in all cases; and he would not vote for keeping up a military force to provoke Indian hostilities.

In relation to the engineer corps, Mr. W. said, he could not see the propriety of so many surveys by the General Government. If the several States wanted these surveys made, they would doubtless see that they were performed. He said he believed, from the examinations which he had made several years ago, that three thousand men were amply sufficient for the army. He was convinced of this at that time, and he knew of no reason why more should be required now than were then. He thought the Military Academy at West Point should also be reduced. He had long been of the opinion that this institution should be placed on the peace establishment. He thought it should be confined to one hundred, and then it would not be so apt to prove a nursery for the education of those who were not designed for the army; indeed, its utter annihilation would be far preferable to its continuance in its present condition. He hoped the House would determine on its reduction.

Mr. DESHA rose, but the allotted hour had expired.

JUDGE PECK.

The SPEAKER presented to the House a letter from Judge Peck, accompanied by a written statement or argument, in explanation and defence of his official conduct in the case complained of by I. E. Lawless, communicated

in pursuance of the permission given by the House some days ago.

Motions were made to commit the argument, and to print it, without reading, as it appeared to be a voluminous statement; but

The reading was demanded, first by Mr. WICKLIFFE, and withdrawn, then by Mr. DANIEL, and, after proceeding some time, by him withdrawn; next by Mr. WILDE, and the reading continued some time longer, and then withdrawn; then by Mr. STORRS, of New York; and, after the reading had progressed some time longer, (in all an hour and a half,) Mr. S. withdrew his motion, and the further reading was suspended.

The statement was then ordered to be committed to the Committee of the Whole to which was committed the report against Judge Peck; and

Mr. CLAY moved that it be printed, with one or two of the papers which accompanied and were referred to in it.

Mr. McDUFFIE moved to print, also, the memorial of Mr. Lawless, complaining of the conduct of the Judge.

Mr. STERIGERE moved to lay both motions on the table. *Negatived.*

Mr. DAVIS, of South Carolina, moved to except from the printing the papers accompanying the statement of Judge Peck, which was agreed to; and

The statement of the Judge, and the memorial of his accusers, were ordered to be printed.

BUFFALO AND NEW ORLEANS ROAD BILL.

The House then took up this bill, as reported by the Committee of the Whole yesterday; and, having concurred in filling the blank with four dollars, as the daily allowance to the commissioners,

Mr. SPEIGHT moved to lay the bill on the table, with the view not to take it up again.

Mr. WHITTLESEY demanded the yeas and nays on this question, and they were ordered; when

Mr. SPEIGHT, to accommodate his colleagues, who wished to renew their amendments, withdrew his motion.

Mr. CARSON then renewed the motion which he made in committee, to amend the bill, by striking out the part prescribing the route for the New Orleans road, and inserting a provision, directing the adoption of the "most direct, practicable" route.

Upon the amendment, Mr. CARSON offered some observations on the length to which the discussion upon the subject had already extended, and asked for the yeas and nays.

The call being sustained, they were ordered.

Mr. BLAIR, of Tennessee, said that he was aware that it would not now be in order to reply to what had been said by gentlemen in the opposition in the committee; but as his friend from North Carolina [Mr. CARSON] has now repeated, in part, what he had said in Committee of the Whole, he was gratified in having it in his power to correct that gentleman in a gross error into which he had fallen, as to the organization of the Committee on Internal Improvements, of which he was an humble member.

He has charged that the location of the road upon the western route was the result of combination in the committee, and has parcelled out to each member of that committee his portion of the local benefit to be derived from that combination. Sir, I cannot, I will not, believe that my worthy friend intended to impugn my motives in this matter, though such would be the irresistible conclusion, from reading his printed speech. I take this opportunity of informing my friend that I am the only member of the committee who voted in favor of reporting the bill, who was in the slightest degree interested in its location on the western route, or resided on or near to any part of that extended line. It is true that my colleague on the committee [Mr. CRAIG] represents a district in Virginia, which is intersected by the road, but it is due to that gentleman

to say, that his determination to support the bill has been made since it came from the hands of the committee, and was reported without his support. No other member of the committee resides on or near to this road, or the branch contemplated from Zanesville to Florence; hence, if a combination of interested persons produced the location in the bill, I must have combined with myself, and with no one else.

To relieve the present committee from imputation, I can inform my friend from North Carolina, that this bill was reported by the Committee on Internal Improvements of the last Congress, as it now is, upon the western route. Will he look to the organization of that committee, and inform me who were the parties in interest then, and why and wherefore was it that that committee selected the western route? If I am not mistaken, the gentleman from Maine [Mr. BUTMAN] is now the only member of that committee who voted for the road, who was of that committee last Congress. This bill had been reported by our predecessors, (not one of whom resided on that route,) giving preference to the western route; and my friend from North Carolina will believe me when I say that their having given preference to the route on which I resided was not likely to call forth any objection from me. Nor am I at liberty to suppose that the location of the road upon the route on which my friend resides, would have been calculated to give offence to him, were I to judge from the pertinacity with which he clings to his amendment for changing the route to his own district. I have felt it due to the committee and myself, as well as to that substantial friendship which has subsisted between the gentleman from North Carolina and myself, to make this statement and correction, believing that if I were to suffer myself to lie under the imputation to which his remarks would subject me, I would be in danger of forfeiting that good opinion which I am convinced he now entertains of me.

Mr. CARSON shortly rejoined, urging the advantages of taking the direct route, which it would be a truism to say was the nearest route. It would shorten the distance by fifty miles. The West, he observed, in the course of his argument, the West had received its full share, in the way of appropriation for their benefit, by the grants of public lands, for the purpose of improvement within the States, in that section of the amendment. To show the influence which had been brought to bear upon this matter, he might perhaps mention that it had been said by one of the members of the Pennsylvania delegation, that if Mr. CARSON did not vote for the bill, he [the person speaking] should not give his sanction to a bill, for the passing of which he [Mr. C.] was anxious. He also instanced a case in which a member from West Tennessee had used language of a similar import.

Mr. A. H. SHEPPERD thought the order in which the amendment should be proposed should be the same as had been followed in the committee. He therefore moved to strike out the word "western," in the fourteenth line of the bill, [respecting the location of the line of road] and insert "middle" route.

Mr. VINTON made a few remarks on the subject of himself and his constituents being entirely uninterested as to what course it might be decided by the House that the road should be run. He lived upon the banks of the Ohio, the great channel of intercourse between the East and the West, a circumstance which he felt it due to himself, and those whom he represented, to mention, with a view of showing that the vote he should give upon the question could not possibly result from any prospect, on his or their part, of reaping any advantages from the proposed road.

Mr. RAMSEY explained, in reply to Mr. CARSON. The observations alluded to by his friend from North Carolina were merely jocular; they occurred in the course of a pass-

ing conversation between himself and a gentleman from Tennessee. He was exceedingly sorry that his estimable friend from North Carolina could, by any possibility, construe them otherwise.

Mr. CARSON said that they had not been mentioned to him as such. He was happy, however, to find that it was so, as, indeed, had just been stated to him by the gentleman from Tennessee.

Mr. DE WITT moved to strike out the enacting clause of the bill.

Mr. STORRS, of New York, moved the previous question.

Mr. LETCHER, after a few observations, stated that his district did not approximate to the line which it was proposed to trace for the road in contemplation.

Mr. SCOTT hoped that the gentleman from New York [Mr. STORRS] would withdraw his motion for a moment.

Mr. STORRS declining to do so, the call for the previous question was sustained by a vote of yeas 117, nays not counted.

Mr. J. S. BARBOUR asked for the yeas and nays on the main question; but the motion was not adopted.

The main question, which was upon the engrossment of the bill for a third reading, was then ordered to be put.

Mr. BARRINGER, Mr. ISACKS, and Mr. DWIGHT simultaneously rose to ask for the yeas and nays upon this question. They were ordered.

Mr. P. P. BARBOUR suggested that there were several members probably absent; and as he wished the question to be fully and fairly decided, he moved a call of the House; which was agreed to.

The roll was called, when it appeared that nine or ten members were absent, most of whom, it appeared from explanations given, were detained at their lodgings by indisposition.

The main question being put, was decided in the negative by the following vote:

YEAS.—Messrs. Noyes Barber, Baylor, John Blair, Boon, Brown, Burges, Butman, Cahoon, Clark, Coleman, Condict, Cooper, Coulter, Robert Craig, Crane, Crawford, Crockett, Creighton, Crowninshield, John Davis, Denny, Doddridge, Duncan, Edward Everett, H. Everett, Finch, Ford, Forward, Green, Grennell, Hawkins, Hemphill, Hodges, Howard, Hughes, Hunt, Huntington, Ihrie, Ingersoll, Thomas Irwin, Wm. W. Irvin, Isacks, Jennings, R. M. Johnson, Kendall, Kincaid, Adam King, Leiper, Letcher, Lyon, Magee, Mallary, Martindale, Thomas Maxwell, Lewis Maxwell, McCreery, Mercer, Miller, Mitchell, Norton, Pearce, Pierson, Ramsey, Randolph, Reed, Richardson, Rose, Russel, Scott, Shields, Semmes, Sprigg, Stanbery, Standifer, Stephens, Strong, Sutherland, Swann, Test, John Thomson, Tracy, Vance, Vinton, Washington, Whittlesey, Edward D. White, Wilson, Young.—88.

NAYS.—Messrs. Alexander, Allen, Alston, Anderson, Angel, Archer, Arnold, Bailey, John S. Barbour, Philip P. Barbour, Barnwell, Barringer, Beekman, Bell, James Blair, Beckee, Borst, Bouldin, Brodhead, Buchanan, Cambreleng, Campbell, Carson, Chandler, Childs, Claiborne, Clay, Coke, Conner, Cowles, Hector Craig, Crocheron, Daniel, Davenport, Warren R. Davis, Deberry, Desha, De Witt, Drayton, Dudley, Dwight, Earll, Ellsworth, George Evans, Findlay, Foster, Fry, Gaither, Gordon, Gorham, Hall, Halsey, Hammons, Harkey, Haynes, Hinds, Hubbard, Johns, Cave Johnson, Perkins, King, Lamar, Lea, Lecompte, Lent, Loyall, Lewis, Lumpkin, Martin, McCoy, McDuffie, McIntire, Monell, Muhlenberg, Nuckolls, Overton, Pettis, Polk, Potter, Rencher, Roane, W. B. Shepard, A. H. Shepperd, S. A. Smith, Speight, Ambrose Spencer, Richard Spencer, Sterigere, Henry R. Storrs, William L. Storrs, Swift, Taliaferro, Taylor, Wiley Thompson, Trezvant, Tucker, Varnum, Verplanck, Wayne, Weeks, Camp P. White, Wickliffe, Wilde, Williams, Wingate, Yancey.—105.

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The Army.

[H. of R.]

So the House decided against the third reading of the bill, and it was, of course, rejected.

Mr. P. P. BARBOUR, thinking [he said] that the House had done enough for glory for one day, moved that it now adjourn.

Mr. ISACKS demanded the yeas and nays on this question, which, being taken, were as follows:

For adjourning,	78
Against it,	111

After, on motion of Mr. VANCE,
The House adjourned.

THURSDAY, APRIL 15, 1830.

THE ARMY.

The House resumed the consideration of the resolution directing the Secretary of War to report a reorganization of the army, with a view to the reduction of the number of officers.

Mr. DESHA said, he regretted very much that the remarks of the gentleman from New York, [Mr. TAYLOR] and of the chairman of the committee, [Mr. DRAXTON] had made it necessary for him again to trouble the House with any remarks of his, but he was not willing that the vote should be taken without briefly replying. He would, however, promise the House that he would consume but little of their time upon this subject.

The gentleman from New York, [Mr. TAYLOR] the other day, in order to satisfy this House that the army, as at present organized, is more suitable to both peace and war times, than any organization that can be given to it, had a report read at the Clerk's table, made by a former Secretary of War, upon a call of this House. The report goes upon the principle, that it is politic for this Government to keep on a peace establishment a number of officers sufficient to command fifteen thousand, instead of five thousand four or five hundred, the number fixed upon for the peace establishment. Now, [said Mr. D.] this is what I deny; and however high I may estimate the opinions of the Secretary of War, alluded to, I decidedly differ with him in the organization he would give to a peace establishment. He, with a great many others, thinks it necessary to keep an officer in the army a length of time, to prepare him for a state of war, and this with a view to have skillful officers to command. This is in accordance with the views of the gentleman from New York, over the way, [Mr. CAMBRELENG] who says, that, in the event of a war, we shall have nothing to do but fill the rank and file of the army, and we shall have experienced officers to command our forces. He says that privates can be had without difficulty, but that officers cannot. I will state to the House what I have stated on a former occasion. It is, that, from my experience, I do think, if an officer remain any length of time inactive, upon a peace establishment, that inactivity has a tendency to disqualify instead of qualifying him for active service in a state war; and that there is more difficulty in obtaining private soldiers than officers. I would ask the House, how it has happened that the expenditures of the army have been increasing for the last several years, if it be not owing to the nature of the present organization, and to the very great number of officers who have been breveted since the war, and received the additional pay which their brevet rank entitles them to. I will state that, if there is not some radical change made, this expense will continue to increase. In a few years the colonels will all be brigadier generals; the lieutenant colonels, colonels commandants; the majors, lieutenant colonels; captains, majors; and the lieutenants, captains by brevet; and all of these will, in every instance, when on detachment, receive the pay attached to such brevet commission. I am satisfied that the present regulation of brevetting an officer according to the length of his continuance in service, will make brevet rank too

cheap, besides involving the nation in an unnecessary expense. I would only brevet an officer for distinguished service performed by him in a state of war—an arrangement which would stimulate him to the performance of daring and gallant acts.

The gentleman from New York, [Mr. TAYLOR] in reply to some remarks I made a few days ago, said, that we are compelled to educate our sons at the West Point Academy, provided we intend them for the army. This I am aware of; and that is the very great objection I have to the institution, and it is the ground upon which I predicated my remarks the other day, when I stated I was opposed to all exclusive privileges. But the gentleman contended that it does not give exclusive privileges to any class of our citizens, for the institution is open to all. I would ask, how is this? If there were a vacancy from my district, and there were twenty applicants, could more than one be appointed? No, sir. Well, would not the balance be excluded in this case? Most certainly they would; and in making this selection of one, should I not be apt to select the one whose parents would be able to serve me the most effectually at home? This is reasonable.

The gentleman from New York asked if I, together with my political friends, who had the power in their hands, am disposed to break down all the institutions in the country. I will say, in reply to that gentleman, no; that I do not know the opinions of but few of the friends with whom I act upon this floor; but will say for myself, that I am ready at all times to lop off all useless expenditures of public money, or to put down any institution where the sons of the wealthy and influential are to be educated at the expense of the people. I have no doubt but the gentleman from New York understands the details of this West Point Academy much better than I do, as it is located in his State; and, moreover, I have understood that the gentleman has been so fortunate as to get his son admitted into the institution, notwithstanding he informs us that there never had been but one young man at the institution from his district, and he was in the senior class. I must confess I could not exactly see what bearing that remark of the gentleman had upon the subject, and must believe the gentleman intends it as a compliment to himself.

The gentleman took occasion to say further, in order, I suppose, to show that no abuses had been practised by appointing to that institution more than a fair proportion of the sons of members of Congress, that there never had been more than sixteen boys appointed who were the sons of members of Congress. I do not know how this is, but I heard a member of Congress say, he could count twelve, from Kentucky and Ohio, who are sons of men who are now, or who have been heretofore, members of Congress. But for the existence of this institution, which I so much deprecate, private institutions would spring up in the country, whence we should have an ample opportunity of preparing our sons to enter the army, at our own proper expense; and then let vacancies in the army be filled from the most worthy amongst the applicants who present themselves.

My friend, the chairman of the Committee on Military Affairs, [Mr. DRAXTON] says, that the Military Academy is the bulwark of our defence, and that all our Presidents have been in favor of it. Now, in answer to this, I deny that the nation will have to rely upon those educated at this institution, which has been so highly spoken of, for the defence of the country in the event of war, or upon your regular army. No, sir. I consider the militia the bulwark of the nation; and, in the event of another war, we shall have to place our reliance upon them for defence. It is true that some of our Presidents have recommended this institution to the fostering care of Government; but I will state that it was not contemplated, when this insti-

tution was first established, that it should be more than a school of practice for a few officers of the army. But what has it grown to be? Two hundred and sixty or two hundred and seventy young men, preparing, by receiving a military education, to fill vacancies in the army, when half the number would be sufficient. Another objection which I have to the institution, is, that when a young man is educated at some thousands of dollars expense to the Government, he is permitted to return home, without rendering to the Government any services in return. Yes, sir, three-fourths of the number of young men who go there, do not intend, when they graduate, to remain in the army; but to return home, and adopt some other profession. It is very convenient for a man to have his son educated at public expense, and then put him to the study of law, medicine, or some other of the liberal professions. I therefore would say, that when a young man enters the institution, he ought to be bound, when he has received his education at the public expense, to render the country some services as a remuneration.

The chairman of the committee also denies that any preference is given, in the appointments to that institution, to the wealthy and influential classes. Sir, that gentleman certainly has not examined the report laid on our tables a few days ago, or he would not hazard the assertion. If he will examine the appointments that have been made to the institution, he will find the number from the indigent but small, when compared with those from the wealthy and influential. I do not care what the Secretary of War professes, when he says the object is to appoint poor boys, if they are qualified, when I see the practice is at variance with the profession. I can point my finger to a number of boys who are there at this time, whose parents are immensely wealthy. In order to satisfy gentlemen that the adoption of the resolution cannot operate injuriously, I will read it.

[Here Mr. DESHA read the resolution.]

Now, sir, the resolution does not require of the Secretary of War to propose such an organization as will possibly destroy the efficiency of the army, but such a one as will dispense with the services of a portion of its officers without injury to the public service. The expenditures for the army, it will be found, have rapidly increased for the last several years. The sum of four hundred thousand dollars annually is expended now more than was some years ago, and it will be found that the present peace establishment costs the Government as much as when the army consisted of one hundred thousand strong. These facts ought to satisfy the House that something ought to be done in the case.

The chairman of the Committee on Military Affairs, in his remarks, stated that it required much time to learn the art of war. I admit, sir, that it does in time of peace; but I am satisfied that our officers will, when in a state of war, learn as much in six months as in that number of years during peace. The chairman also informed this House that the defeats which our army sustained at the commencement of the last war were attributed to the want of skilful and experienced officers. In reply to this remark, allow me to say that the gentleman is certainly advised of one fact, which is, that the army was officered at the commencement of the last war from men who had seen service. In saying this, I mean the officers of high rank, superannuated old men, and to this circumstance I attributed the many defeats of the last war. The gentleman says, General Washington was in favor of a standing army in time of peace, and that the present Chief Magistrate, likewise, is in favor of a standing army. It is true, sir, that the present Chief Magistrate does not recommend a reduction, nor does he an increase of the army; from which I imagine the gentleman from South Carolina has come to the conclusion that the President is in favor of a standing army in time of peace. If I do not mistake, the President of the

United States, in his message to this House, says something about the reliance we may place on the militia for the defence of the country in the event of war. My friend from South Carolina says, besides, that General Brown, too, was in favor of a standing army in time of peace. I have no doubt of it, sir; this I conceive to be natural enough; and you will not hear an officer in the army say that the number of officers ought to be reduced. My friends certainly would not expect it, for it is not reasonable to expect an officer in the army, more especially the general in command, to say that his command ought to be reduced.

My friend [Mr. DRAYTON] said that I was in error when I stated what the proportion of the officers were to privates, and, instead of seven and a half or eight privates to each commissioned officer, there are twenty. Now, I stated, distinctly, there was one commissioned officer receiving pay for every seven and a half or eight privates; and one for every nine or ten, to count the non-commissioned officers and musicians. I did not say this was the proportion between the officers doing duty in the line, and the privates; but I here assert, without the fear of contradiction, that, to calculate the whole number of officers in commission, who are attached to the army, and in the receipt of pay, I am right in my calculation. My friend went into a long calculation to show that we had not officers enough to command the military posts, and that I ought to have made a deduction in my calculation of the number of officers on furlough, sick, courts martial, and on the recruiting service, and then I should be satisfied myself that we have not a sufficient number to command five thousand eight hundred men; and further, that in one or two instances companies had to be commanded by the graduates from West Point. To obviate that difficulty, I would suggest to the Secretary of War to order the officers, wherever they may be, to appear in their uniform. If this were to be done, it would be very easy to account for the scarcity of officers on duty. Yes, sir, you would find a number in this place, during the sessions of Congress, who, if kept on duty, as they ought to be, would prevent your hearing of such a circumstance as that of graduates from West Point commanding entire companies.

The gentleman says that, from the calculation he has made, the proportion of officers now are not greater than when a company consisted of one hundred rank and file, and the regiment of one thousand. In this it appears to me that he is greatly mistaken; and I beg to suggest to him, when he makes his calculation of the absentees, that in war times, when the army had a different organization from the existing one, officers frequently had to be on the recruiting service, were sick occasionally, were on courts martial, and even on furlough; and if it be right under one system of organization, it certainly must be so under another. But, sir, this is not all; the gentleman says, from the fact of the national debt being reduced, and the probability of a speedy payment of the whole debt, a necessity will be created of an increase of the army. I hope not, sir; I cannot, for my own part, possibly subscribe to such a doctrine. An army of six thousand not sufficient, in time of peace, to take care of about fifty little military posts on our frontier! I cannot, I say, see the necessity of such a measure. I am opposed, sir, to a large standing army in time of peace, and so have been the greatest statesmen in our country. The militia will have to defend this country in the event of a war, and the militia, where their services are available for such purpose, will not submit to be commanded by your regular officers. I will not follow my colleague through the war of our own revolution, in as much as I deem it inexpedient.

My friend, in his remarks, paid a very handsome compliment to the description and good order that existed in the regiment to which I was attached during the last war, and accounted for it by saying that the colonel of the regiment had been on the peace establishment before the war.

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It is true, the colonel of the regiment had been in the army before the war; but it is not true that the discipline and good order that prevailed in the twenty-fourth regiment, of which the gentleman speaks, is attributable to the skill and experience of its commander, or to the superiority of any of the superior officers of that regiment; but to two of its captains, who had never been in service before the war, but who were possessed of those natural powers, which, of themselves, render persons eminent as military men; I mean Holmes and Armstrong. I must do my friend, the chairman of the committee, the justice to say, that, notwithstanding he consented to the resolution reported by myself, he was not satisfied that a reduction of the number of officers in the army could be made, with propriety or facility. He stated, distinctly, that it was a subject of great importance, and one that he had not sufficiently examined to come to a conclusion upon. The gentleman now tells us that he has examined the subject, and is satisfied that, instead of too many officers, we have not enough; but that he will vote for the resolution. Now, sir, I have never contended, that, under the present organization of the army, there are many supernumerary officers; but, under a different organization, there would be a number whose services could be dispensed with, without injury to the public service, and would save an immense sum of money to the Government annually. The gentleman says the cadets at West Point are officers of the army from the time they are received into the institution. If so, I acknowledge I have been mistaken in my calculation; and instead of one commissioned officer for every seven or eight privates, there are one for every five.

Mr. D. said, in conclusion, he hoped the House would take the vote on the resolution; that the discussion had already consumed more time than he had anticipated, as the resolution he considered to be one of inquiry only.

Mr. TAYLOR rose in reply to Mr. DESHA, and expressed his hope that, before the House proceeded to act in reference to the resolution, they would hear the views and arguments presented at the time the army received its present organization by a distinguished citizen, then Secretary of War, and now Vice President of the United States. The report of that able officer would be found in the first volume of the Executive papers of the second session sixteenth Congress, number twenty-one. It consisted but of eight or ten pages, which every gentleman would find well worthy of perusal. He would at present request that the two last pages might be read from the Clerk's table. They contained, within a brief space, better views, and expressed in a more luminous and impressive manner, than any which he had to offer.

"No position connected with the organization of the peace establishment is susceptible of being more rigidly proved, than that the proportion of its officers to the rank and file ought to be greater than in a war establishment. It results immediately from a position, the truth of which cannot be fairly doubted, and which I have attempted to illustrate in the preliminary remarks, that the leading object of a regular army in time of peace ought to be, to enable the country to meet with honor and safety, particularly at the commencement of war, the dangers incident to that state; to effect this object as far as practicable, the peace organization ought, as has been shown, to be such, that, in passing to a state of war, there should be nothing either to new model, or to create; and that the difference between that and the war organization ought to be simply in the greater magnitude of the latter. The application of this principle has governed in that portion of the formation of the proposed military establishment now under consideration. The companies, both of the artillery and infantry, are proposed to be reduced to their minimum peace formation, the former to consist of sixty-four privates and non-commissioned officers, and the latter of thirty-seven, which will give to the aggregate of both corps thus formed

six thousand three hundred and sixteen non-commissioned officers, musicians, and privates. Without adding an additional officer, or a single company, they may be augmented, should a just precaution, growing out of our foreign relations, render it necessary, to eleven thousand five hundred and fifty-eight; and, pending hostilities, by adding two hundred and eighty-eight officers, the two corps on the maximum of the war formation may be raised to the respectable force of four thousand five hundred and forty-five of the artillery, and fourteen thousand four hundred and ninety of the infantry, making, in the aggregate, nineteen thousand and thirty-five officers, non-commissioned officers, and privates, (see table E.) The war organization, thus raised on the basis of the peace establishment, will bring into effective operation the whole of the experience and skill of the latter, which, with attention, would, in a short period, be communicated to the new recruits, and the officers recently appointed, so as to constitute a well disciplined force. Should the organization of full companies, on the contrary, be adopted for the peace establishment, this process could be carried to a very limited extent. Six thousand men so organized can be augmented on the full war establishment only to nine thousand one hundred and fifteen, by doubling the battalions, (see table E.) Any additional force, beyond that, must be obtained by adding new regiments and battalions, with all of the disadvantages of experience in the officers and men, without the means of immediate instruction. This was the fatal error at the commencement of the late war, which cost the country so much treasure and blood. The peace establishment, which preceded it, was very imperfectly organized, and did not admit of the necessary augmentation; nor did the Government avail itself of even its limited capacity in that respect. The forces raised were organized into new corps, in which, consequently, every branch of military duty was to be learned by the officers as well as men. But, with all of these disadvantages, the experience and discipline of the old establishment was of immense use, and has not been duly appreciated. The officers belonging to it gradually diffused their military knowledge through the army, and contributed much to the brilliant results of the campaign of 1814. For the truth of this assertion, I might with confidence appeal to those officers who then acquired so much glory for themselves and their country.

"Another reason remains to be urged, why, in the peace establishment, the number of officers ought to be great compared with the actual force. At the commencement of war, an adequate number of experienced officers is of greater importance than that of disciplined troops, even were it possible to have the latter without the former; for it is not difficult to form in a short time well disciplined troops by experienced officers, but the reverse is impossible. The qualifications of the officers are essentially superior to those of the soldiers, and are more difficult to be acquired. The progress of military science has not added much to the difficulty of performing the duty of the soldier, or of training him, but it has greatly to that of the officer. No Government can, in the present improved state of the military science, neglect with impunity to instruct a sufficient number of its citizens in a science indispensable to its independence and safety, and to perfect which instruction, it is necessary that some portion of them (the number to be regulated by the resources of the country, and its relation with other Governments) should make arms their profession.

"Table F exhibits the estimate of the saving which will be made by the proposed organization.

"I have thus presented an organization which I deem the most effective, and which, in the future exigencies of the country, may be of the utmost importance. A different one, requiring for the present an expenditure something less than that proposed, might, in some respects, be

more agreeable at this moment; but believing that nothing in our situation or in our relation with other powers, however pacific at this time, can give a certain assurance of uninterrupted peace, a state which may exist in the imagination of the poet, but which no nation has yet had the good fortune to enjoy, I have deemed it my duty to present that organization which will most effectually protect the country against the calamities and dangers of any future contest in which it may be our misfortune to be involved.

"Economy is certainly a very high political virtue, intimately connected with the power and the public virtue of the community. In military operations, which, under the best management, are so expensive, it is of the utmost importance; but, by no propriety of language can that arrangement be called economical, which, in order that our military establishment in peace should be rather less expensive, would, regardless of the purposes for which it ought to be maintained, render it unfit to meet the dangers incident to a state of war."

Mr. TAYLOR resumed. Let it be remembered [said he] that this was the language addressed to the House in 1821, a period in which the condition of the country called for retrenchment quite as much, if not more than it did at present. The nation, in that very year, had been compelled to borrow five millions to meet its current expenses. I, too, [said Mr. T.] am in favor of retrenchment; and when the necessity of the country shall call for it, I shall ever be prepared to reduce the public expenditure, wherever it can with safety be reduced. But I am not for destroying: I am not for pulling down and laying waste what we have built up at so much labor and expense. To retrench useless expenses is one thing; to cut up the best defences of the country, and wantonly destroy them, is another. Retrenchment was called for when this report was made and adopted, more than it is now. There is nothing in the condition of the country at present, which requires us to reduce its establishment yet further than in 1821, nor can it be done without essential injury to the service. A remark was yesterday made by a gentleman from North Carolina [Mr. WILLIAMS] in reference to the Military Academy at West Point. If I understood him right, that gentleman said that the institution ought not to contain more than one hundred cadets: that that number would be sufficient to meet all the wants of the army, and to provide as many officers as could be needed for the existing establishment. Sir, can the gentleman have forgotten the report which was presented to us last session on this very point? The report of the Secretary of War (which will be found in the second volume of Executive papers, second session twentieth Congress, number 41,) states that the number of cadets graduated from that academy within eight years, was two hundred and eighty-seven; and a very singular fact was, that precisely the same number of vacancies had occurred in the army, so that the number supplied from that seminary was just sufficient to meet the actual wants of the service—the corps of engineers having required eleven appointments, the artillery one hundred and ten, and the infantry one hundred and sixty-six.

The respectable gentleman from Tennessee says that he will not consent to educate young men at the public expense, to make them officers of the army. Sir, he cannot help it. He must do it; he must educate them either as cadets, or as lieutenants. He has this choice, and this only. He must either educate them as cadets before they are commissioned in the army, or he must admit them ignorant, and educate them in the army as lieutenants: and which plan is the cheapest? To pay them as cadets, or to pay them as lieutenants? Which method is most for the economy of the army? Will he put the public property into the hands of men well disciplined and thoroughly instructed in every part of their duty, or will he commit it to ignorant and undisciplined men? The gentleman says,

let their parents educate them, and not the public. Shall we listen to the gentleman, or shall we listen to the voice of experience, which has taught us an effectual lesson on this subject?

Sir, we have tried the gentleman's plan. We did formerly appoint those who had educated themselves, and we found that their education, however good, was not a military education, and did not fit them for the wants of the army. Nor is a military education to be obtained in any other way than at a military school. The gentleman has also expressed his regret that places in the army are given to the rich, and not to the poor; and yet he is for giving those places to such only as have been able to obtain a good education for themselves. Does not the gentleman see, and must not the House perceive, that the tendency of his plan must effectually exclude the poor? Should such a plan prevail, you must either put ignorance in commission, or confine your commissions to the sons of the rich. The gentleman's plan is a plan pointed directly against the poor, but the existing system throws open the military employments of the Government alike to poor and rich. Like the gentleman, I am not in favor of a privileged order, but I am equally opposed to making a privileged order of the poor as of the rich. The son of a rich man has as good right to be admitted to the service of his country as the son of a poor man—as good, and no better. But let us have no privileged order, either of rich or poor; and I insist that there is no plan which can be devised, that is so truly and perfectly republican in its principle as that of our Military Academy. How is it supplied with its students? Every congressional district in the United States is or may be there represented by one cadet. That is the principle of the institution. There may at some particular time be a slight departure from it, but that can be only because there have been no applications from particular districts. There never has been but one cadet educated at that institution from my district. He is now there, and in the senior class; and, when appointed, there was no other candidate for appointment belonging to the district. Can the gentleman devise a system better calculated to spread its benefits equally over every part of the United States? For my part, I can conceive of none which provides such an entire exclusion of every thing like an aristocratic principle. But, sir, if there be abuse, such as the gentleman apprehends, it is not for us to correct it—there is another and a higher power, which will do that effectually. I refer to the sovereign people at home, who have both it and us in their hands. If a member of this House gets a warrant for his son or other relation, when there are more worthy applicants within his district, doubt not that he will hear of it. The people who are the sovereign depositaries of power, will take good care to tell him of it, and that in a way that he will remember. We need not trouble ourselves on the subject. There is a far more powerful principle that will regulate that matter.

Sir, the gentleman's plan of an army, with a reduced number of officers, and with no major general, was before this House when it gave the army its present organization. A plan something like that did pass this House, and was taken up in the Senate; there it was met by the plan of the Secretary of War. That body compared the two, and after mature deliberation adopted his scheme in preference to ours. It was sent back to this House in the form of an amendment, and here it was long and gravely debated, and, notwithstanding the extreme pressure of the times, this House concurred in the judgment of the Senate, and finally adopted the Secretary's scheme. In 1815, when we were cheered with the news of peace, and were permitted to reduce the army, a question arose between the two Houses as to the number to be retained in service. This House passed the bill fixing the military peace establishment at six thousand men, with one major general. The Senate amended it, by raising the number to fifteen

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thousand, with two major generals. This House disagreed to the amendments. The Senate insisted. The House insisted on its disagreement, and asked a conference, which was agreed to by the Senate. The brave and patriotic gentleman from Kentucky, who sits near me, [Col. JOHN-SON] was a member of the committee of conference. That committee agreed on the number of ten thousand, with two major generals. Their report was confirmed by Congress, and the peace establishment was fixed accordingly. It continued thus until 1821, when it was reduced to six thousand, with one major general. If that number was only adequate then, it is certainly not too large now. With so great a number of posts, and an army dispersed in small detachments over so wide an extent of territory, it is indispensable that we should have a large number of officers. Let any gentleman deliberately weigh the reasoning of the Secretary's report, and he must, I think, become satisfied that an army on the present system is better adapted to the situation and wants of this country, than one either larger or smaller. I, for one, am prepared to be contented with whatever the House may finally conclude to do. It may, however, seem somewhat extraordinary that the gentleman from Kentucky, and his friends, should be endeavoring to put down the strength of the army, when they are in power, when I, who am considered as being opposed to the reigning administration, should be found endeavoring to sustain it; but it is with a view to the interests of the nation at large that I take the ground I at present occupy. In a matter of such moment, we should all consider ourselves as called to act for a great people—for this free and powerful nation; and not for any particular administration, which may happen this day to be in power, and may lose it to-morrow. The great sovereign predominating power is in the people themselves. It is their interests, and not those of any administration, that we are sent here to sustain; and we ought to provide, according to our best judgment, for their safety and happiness, without regard to any ephemeral fluctuation among those who may chance to be in the possession of political power. [Here the debate closed for this day.]

COLLECTION OF THE IMPOSTS, &c.

On motion of Mr. MALLARY, the several bills which by special order came up for consideration to-day, were postponed; and

The House went into Committee of the Whole on the state of the Union, Mr. MANNING being called to the chair, and took up the bill reported by the Committee on Manufactures, "in alteration of the several acts laying duties on imports," [the more effectually to enforce the collection of the duties.]

Mr. MALLARY, chairman of the Committee on Manufactures, who reported the bill, rose to address the committee in explanation and support of the bill.

I will now, [said Mr. M.] with the permission of the committee, endeavor to assign as briefly as I can those views which have been entertained by the committee who reported the present bill. I am aware that the subject has an important relation to the policy of the country, but, as to the present bill, it does not involve any of the principles or questions which grow out of what has been denominated the tariff policy. Its one object and only purpose is to provide a remedy against an abuse of the laws of the country. I shall not disguise the fact, that the principal object of the bill is intended to enforce the tariff law of 1828: but there is no need, in discussing it, to enter into the policy of that law. It has passed. It has become a law of the land. It has received the sanction of this Government; and the question now is, shall it be carried into execution, or shall a law, thus solemnly and deliberately sanctioned, be suffered to be every day violated with impunity, when the Government which passed it is aware of the violation? This question each gentleman

must settle in his own bosom. Because he happens to be opposed in sentiment to the policy of that act, ought he, as a good citizen, as a member of Congress, entrusted by the people with the solemn duties of legislation, to withhold his aid toward carrying the laws of the country into execution? I present this simple inquiry to every candid mind. The tariff of '28 was enacted for the protection of the domestic industry of the Union. Have not those for whose benefit it was passed, a right to come to this House, and ask and demand of us that the faith of the Government shall not be violated, nor its benefits lost, for want of our vigilance and care? Is it not derogatory to the honor of this Government, that it should pass an important law on which the people have relied, as it was their duty to rely, and then the law should be flagrantly violated, and that the people, disappointed and deceived, shall ask in vain that we will enforce our laws? I need not say that the faith of the Government, that its dignity and honor, all forbid such a disgraceful state of things. Would not the world declare it degrading for legislators to reply to such a demand, that all that they have solemnly done means nothing; that when they passed the law, they knew and intended that it should prove a delusion, that it should carry the appearance of doing something for the domestic industry of the country, while the real purpose of those who passed it was to confer no benefit, but to practise a delusion on our fellow-citizens? Sir, there is no man on the floor of this House would dare utter such language to the people of this Union. They would teach him a lesson that he will not readily forget. But we have not yet arrived at such a crisis, and I trust we never shall. I have said that the tariff law is grossly violated; and the interposition of this House is called for, to put a stop to its violation. I acknowledge that it is incumbent on those who make this assertion, to show that it is true. It is for them to prove before this House that its laws are evaded and violated, and that the evasion and violation can be prevented. I place the cause of this bill on that ground; and if I cannot make out such a case as will prove that this bill, or something like this bill, is called for by the state of the country, let it be rejected. On that issue, I am content that the question shall rest. But if I can and shall show that the law is violated, violated grossly, openly, and in the most shameful manner, then I appeal to gentlemen to say whether they can reconcile to their sense of duty, rendered doubly sacred by the high station they here occupy, to vote against a measure whose only object is to prevent the most alarming evils.

I have alleged that one of the most important laws of the country is violated. To prove this, it may be proper to show that both disposition and interest exist to do so, to show who they may be who have that interest and disposition. On this point I will make a few brief observations. They allude, chiefly, to other nations. In this, it is not my intention to examine minutely their domestic policy, but shall refer to views and feelings which exist among them in relation to the domestic policy of this country. If we look to France, we find her pursuing her own way—executing her own policy, undisturbed. She has taken a firm stand for herself, and remains unmoved by the flattery or menaces of any other nation. Her Government and people allow others to do the same. This may be also said of Holland, of Prussia, of Russia. These nations undertake to judge for themselves of the best means to promote their own interests. They are willing that all others should enjoy the same privilege. They are not engaged in harassing all the world with their doctrines of political economy. But can this be said of England?

All know the course that nation has pursued towards this country, and all other countries, for the last twenty years, when the encouragement of domestic manufactures was discovered. When the United States were her colonies, they furnished her with one of the best markets in

the world for her various manufactures; after the war of the Revolution, our markets were again thrown open to her trade. This continued until our late restrictions on commerce, and war closed our markets against her. In the mean time, most of the great nations of Europe became determined to rely on their own resources, and sealed their markets against English manufactures. When our late war had terminated, the market of the United States became doubly interesting to England. Her people poured into this country their immense surplus of manufactured goods, which could find no other market in the world. She discovered that our people and the Government showed strong determination to give aid and encouragement to our domestic industry.

She was alarmed, and we were soon overwhelmed with her doctrines of free trade. Our policy is represented by Englishmen as absurd, old fashioned, and that it would be monstrous folly to continue it. It is denounced in every corner of England, and its violation and evasion openly recommended in every town and city in the kingdom. It seems as if all classes of her people considered they were doing God's service to render ineffectual the protecting laws of the United States, and prostrate all our manufacturing establishments. Under such circumstances, influenced by the most powerful considerations of her mighty interests, we can well comprehend the exertions her people would make to accomplish the ruin of the rival industry of this nation.

I shall now [said Mr. M.] proceed to examine some of the provisions of the existing revenue laws, under which the alleged frauds are perpetrated. They have been found, in practice, to be wholly ineffectual. By the fifteenth section of the act of 1823, "the collectors of the revenue shall cause at least one package out of every invoice, and one package at least out of every twenty packages of each invoice of goods, &c. which package or packages he shall have first designated on the invoice to be opened and examined; and if the same be found not to correspond with the invoice thereof, &c. a full inspection of all such goods, &c. as may be included in the same entry, shall be made; and in case such goods, &c. be subject to ad valorem duty, the same shall be appraised, and subjected to the penalties provided in the thirteenth section, in the case of suspected or fraudulent invoices," &c. I am sensible, sir, that this is a dry subject, and somewhat difficult to be understood by those who have not devoted to it their particular attention. I will endeavor to make myself understood as well as the occasion will permit. The collector designates one package of goods out of every invoice at least, and at least one package out of every twenty packages of each invoice. These selected packages are sent to the office of the appraisers, for them to examine and appraise, according to the provisions of the sixteenth section of the act of 1823. The collector, also, if fraud was suspected, might send all the goods to the appraisers contained in the same entry.

The appraisers are bound by law "diligently and faithfully to examine and inspect such goods, &c. as the collector may direct, and truly to report, to their best knowledge and belief, the true value thereof," &c. On their report the duties are computed.

By the thirteenth section, the penalty is prescribed in case goods are invoiced below their true value. It provides that "if the value, at which the same shall be so appraised, shall exceed, by twenty-five per centum, the invoice value thereof, then, in addition to the ten or twenty per centum, as the case may be, laid upon correct and regular invoices, according to law, there shall be added fifty per centum on the appraised value," &c. By the tariff of 1828, the difference between the invoice price and appraised value, in order to incur the penalty, was ten per cent. But this seems to have been as inoperative as the difference of twenty-five per cent. in the act of 1823.

It will be observed, and to this I would call the most steady attention of the committee, that on those goods which have not been appraised, no penalty is incurred, if the entry were ever so fraudulent, where the law ever so flagrantly violated. The committee are most respectfully requested to bear this in mind, as, by the practice at the most important custom-house in the United States, it will be shown that the penalty can never reach any goods except the package sent to the appraisers' office. Here arises one of the great causes of complaint. It would be inferred from the law itself, that the collector retained the custody of all the goods contained in the entry until the appraisement was made. But this proves to be a mistake. Neither the collector nor any officer has the control of any except the package which has been sent to the appraisers. The penalty reaches these, and these alone. This will be more fully explained before I close my remarks.

I will now proceed to explain the proceedings at the custom-house in New York. The information I possess is derived from the highest sources of respectability, and on which I feel confident the fullest reliance may be placed. Indeed, it may be substantially obtained from numerous American merchants engaged in our European trade. That our laws are evaded, and the manner by which it is done, are well understood by a vast proportion of the business men of New York. It is a common remark—it is in the mouth of almost every one in that city. But being in possession of full, ample, and accurate information, I will present such as the time and occasion may require for a full understanding of the subject. It will not be required of me to give a history of a vessel from a foreign port, from the time she is first boarded by an officer of the customs, until the goods imported in her are sent into the market. I will give all that is necessary to a full understanding of the subject. After the bond is given in an estimated amount of duties, an order is made to send the designated packages to the appraisers' office, which is done; a permit is then granted for all the goods not ordered for appraisement. Before the appraisement is made, and before any fraud can, consequently, be detected, if any exists, I am well informed that most or all of the goods contained in the entry and invoice, except those in the public store, are sold, and distributed in the shops throughout the city, or sent in various directions out of the city, and, of course, out of the control of the collector. It should also be observed that a large amount of goods is imported into New York on account of houses in Philadelphia, Baltimore, Boston, Albany, &c., and these are frequently taken directly from the vessel in which they were imported, in vessels destined for those respective places. So far have delays taken place in presenting invoices to the appraisers to have sample packages examined, that instances have occurred of their being left for eight or nine months in the public store before the appraisers were called upon to make the examination. It is also to be observed that the appraisers make no examination until the invoice is presented to them, and that the final adjustment of duties cannot be made until they report to the collector the result of such examination.

To illustrate this subject still further, I will present still further evidence, which I will read from the paper before me. It is derived from a source on which, I assure the committee, the fullest reliance may be placed. It is contained in answers to questions proposed, in order to obtain full and precise information. "If, on examining the sample packages, the goods be found invoiced below their value, can the collector order the other eighteen packages to be sent to the public store, they having been bonded under the permit?"

This requires a word of explanation. The present collector, for a time, sent two packages out of twenty to the

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appraisers for examination. He was determined to execute the law. He had reason to believe that frauds were perpetrated, and he wished to use all reasonable means to prevent them. He therefore sent two packages out of twenty, instead of one, as had been the practice before. But from the clamor of the importers, and under the advice of the Secretary of the Treasury, he had to return to the old practice.

[Mr. CAMBRELENG here interposed, and inquired on what authority the evidence alluded to by Mr. MALLARY rested.]

Mr. MALLARY replied that the authority was of the most unquestionable respectability.

Mr. DRAYTON made a question of order. The gentleman from Vermont was about to read a document to the House, of the most important character. When the authority is demanded on which it rests; the gentleman pledges himself that it is good and respectable. I do not doubt that such is his opinion, but I have a right to doubt the act; and I inquire of the Chair whether any member of this committee has not a right to demand on what authority a paper rests, which is used for the purpose of having an influence on the action of this committee?

The CHAIRMAN decided that a member, while addressing the committee, might read in his place any paper containing respectful language, and could not be required to give up the authority on which it was founded. It was for the committee to judge of the value of what is disclosed.

Well, [said Mr. M.] if the coast is clear, I will proceed. I stated that the authority on which the evidence is founded, gentlemen might be assured, was of the highest character. The subject was one to which I have paid the strictest attention, and, for the present, my representations, it is presumed, may be sufficient. Now, sir, the answer to the question to which I referred some time ago, will be given:

Answer. They cannot; for the goods are not under his control, and no provision has been made by law for him, in such case, to enter the warehouse of the merchant, and take away the goods to be appraised.

Q. May not the eighteen packages, as soon as they are landed, be sent by the consignee to auction, and sold?

A. They not only may be, but frequently are, put on board of packets or steamboats direct from the ship, and forwarded to the purchaser, owner, or ultimate consignee.

Q. What remedy has the Government other than by adding the penalty of fifty per cent., and that, too, though the goods are invoiced at one-fourth of their value?

A. The Government has no remedy—none even that which you seem to suppose it to have; for the fifty per cent. cannot be added until the goods are examined, appraised, and declared to have been invoiced below their true value.

This answer has reference to the acts of Congress to which I referred in the former part of my remarks.

Q. Does not each package of woollens usually contain goods of different qualities and value, often varying in the invoice price from fifty cents to two dollars and fifty cents or more, in the square yard?

A. They do. Of late, whole packages are frequently invoiced, all at one price per yard.

On this, [said Mr. M.] he would give a brief explanation as to the effects. By including in the same invoice different qualities of cloths, and then making an average of the price, the whole package is brought, for instance, under the dollar minimum, and charged with duty as having cost a dollar the square yard. The effect is obvious. By placing in a package a few pieces—five or six, costing not more than fifty-five or sixty cents the square yard, the same package may be completed with goods which cost above one dollar the square yard, and legally chargeable with duty as having cost two dollars and fifty cents,

whereas the whole package is charged with duty as having cost one dollar the square yard. The result is, that goods costing fifty-five or sixty cents, and legally chargeable with duty as having cost a dollar, are employed to bring down under the dollar minimum goods that should be charged as having cost two dollars and fifty cents. The evasion is so plain, that further comment is totally unnecessary.

Q. What evidence does the sample package afford of the quality and actual value of the other packages included in the invoice?

A. None at all; nor does it afford any evidence of the quantity beyond this—that if a man is found honest in one transaction, it is a fair presumption of his integrity in others.

Q. Is there good ground to believe that invoices are made out in fraud of law, by some agent of the owner in New York, without the direction or knowledge of the owner himself?

A. No doubt but that fraudulent invoices are made out in New York; they have been detected by the appearance of the writing, paper, &c. Latterly it has become more difficult to detect those cases from the appearance of the invoice, as the paper is sent out with the caption either engraved or written in Europe.

The committee [said Mr. M.] can at once see the operation of the existing laws, which I have presented, both on revenue and manufactures. One package in twenty sent to the office of the appraisers, the officers of the Government have no control over the remainder, but they are scattered to the four winds. They are beyond the reach of Government. The duty is therefore paid on the nineteen packages, according to the invoice price, let the entry be ever so fraudulent. If the appraisers should find that the sample package was invoiced at fifty per cent. below actual cost, that single package alone can be made subject to the penalty. It is clear that this might be wholly sacrificed, and the importer would still gain a profit. But, as I shall explain hereafter, that single package is in no danger, according to the practice of the appraisers. It has seldom or never happened that they have made an appraisal by which any penalty has been incurred. Such, sir, are the facilities which exist under our laws, for the commission of fraud and evasion. The door is as wide open as the warmest advocates of free trade could desire. It would be marvellous if they did not occasionally pass through it.

I shall now proceed to show that the facilities have been pointed out, have been well improved, and describe the means which have been employed. It cannot be expected that a full development of all the evasions can be made. Those concerned are not among the most ready to make disclosures. But I am in possession of some facts which most clearly show that fraud and evasion do exist, and how they are managed. The ship *Silas Richards* entered New York last spring. It was believed that many of the goods imported in that vessel, as in all others, would be found invoiced with a view to evade the legal duties. A rigid examination was desired and allowed, and suspicions were fully realized. I have before me a letter addressed to the collector of New York, signed by several of the most respectable merchants of that city, which will explain the result of that examination. The names will be given to any member of the committee who may desire to see them. I will read what may be material.

“NEW YORK, 9th July, 1829.

DEAR SIR: We were invited a few days since to examine, at the public store, a quantity of broadcloths, just imported in the ship *Silas Richards*, and which, we were informed, were invoiced at less than one dollar per square yard. After a careful examination of several bales of said goods, we are decidedly of the opinion, that, although a few

pieces in each bale might possibly, under the present extreme depression of trade, have been bought in England at a dollar per square yard, yet that the principal part of them could not have cost less than one dollar twenty-five, to one dollar and fifty cents per square yard. We have been informed that these goods have been admitted to an entry with an addition of but nine per cent. to the invoice, and that this addition will bring but a few pieces of them over the minimum of a dollar per square yard. We are also informed, that, of the two appraisers called in to say what addition, if any, should be made to the invoice, one was an agent of the British manufacturers, who is constantly receiving and selling large quantities of cloth at auction, the other an auctioneer, both of whom have a strong interest in passing goods at the custom-house at less than their value. Now, sir, as we are constantly in the business, and have been for years past, of purchasing in England for cash, on our own account, or of receiving goods to sell on account of our friends, and feeling confident, as we do, that the goods referred to were invoiced at from twenty to fifty per cent. below their value, we cannot refrain from most respectfully inquiring if it be true that but nine per cent. has been added to the invoice, thereby screening the owner from the penalty which would have been incurred had ten per cent. been added, and still leave the consignee to pay a duty of but forty cents per square yard on the principal part of these goods. If it be so, our friends and we must abandon the business of importing cloths, for we are paying a duty of one dollar per square yard on the same quality of cloth, as a large proportion of the goods in question are, while the foreigner is sending them in and paying but forty cents per square yard. We deem it a duty we owe to our Government, as well as ourselves, most respectfully to protest against such a course of business; a course which has driven many, and will drive every honest man, out of the importing business, and by which Government is defrauded of the revenue.

SAMUEL SWARTWOUT, Esq.,

Collector, &c. New York."

I shall now proceed to give the committee a few instances, out of hundreds I possess, of evasions of our laws, and the manner by which they are accomplished. My authority is derived from most respectable merchants of New York. I shall not use their names on this occasion, in public debate. I see no necessity, at present, to make the designation; yet they will not be withheld, on the application of any gentleman of the committee who desires to see them. I shall read the printed statements which have been placed in my hands. The authenticity, I am confident, cannot be denied. My authority, as I have before stated, is ready to be disclosed.

"A dealer of this city purchased at auction a case of goods, which were sold entitled to debenture. Having made previous purchases of the same kind of goods at private sale, and being thus acquainted with the original cost at the place of manufacture, he could judge, with considerable accuracy, what amount of debenture they would yield to him on their shipment to a foreign port. After making the necessary entries at the custom-house, for the purpose of shipment, he was much surprised to find the amount of debenture so small; and, on a further examination, found that this was owing to the very low price at which the goods had been entered at the custom-house. It appeared strange to him that one foreign importer should be able to buy the same article in the same market thirty to thirty-five per cent. cheaper than another, both having received the same kind of goods by the same vessel. To test the matter, however, as to the actual cost of the goods in question, a pattern was cut from several of the pieces, specifying the number and length, the vessel by which they had been received, &c. &c. These patterns were sent to Europe, to the place where the goods were made and purchased, and very particular directions were given

to ascertain the actual cost paid by the agent of the importer. The information returned was of the most positive and unquestionable character. It stated, among several particulars of minor consideration, the time when the goods were bought, by whom, and of whom they were bought, and the exact net price paid for them. The result was (as anticipated by judges) that they actually cost the importer twenty-five to thirty per cent. more than he had paid duty on at the custom-house."

"A merchant of this city happened to go into the store of an importer, who does the bulk of his business by auction, and, seeing a package of desirable goods, inquired the price of it. The invoice was exhibited, through a mistake of the importer. It happened to be that by which the goods had been entered at the custom-house, and by which they had paid the duty. It was at least thirty-five per cent. less than many other importers paid for the same description of goods at the same time. As a proof of this, and to try whether the cost exhibited was fictitious, the dealer offered to the importer twenty-five per cent. profit on the cost exhibited. This was refused, with his assurance that at that rate he should lose money, which he could not afford to do. Had the custom-house invoice been the real cost, would he have refused this enormous profit? This act speaks for itself, and does not need further elucidation."

"It is a common custom, and one well understood by merchants, that many foreign importers, resident in this country, and who do nearly all their business by auction, are in the constant habit of receiving two invoices of each parcel of goods. One of these is made out at a very low rate, and is used to enter the goods. The other contains the actual cost. A foreign importer, by accident, sold a package of goods at a certain advance on the cost, and this cost unfortunately happened to be that by which they had been entered and the duties paid. Shortly after making the sale, he discovered that he had sold the goods at an advance on the fictitious cost, or, in other words, on the custom-house invoice. He therefore goes to the buyer, and informs him that he had made this mistake, and insists that he should make up the difference between the actual and false cost. The buyer, who had got a good bargain, and was much surprised at the novelty of this request, refused to allow any thing, and informed him that, if he persisted in this claim, he would go to the collector of the customs and expose him. The importer was prudent enough to pocket the affront, and went about his business."

"The foreign importers of woollen goods drive an enormous trade by means of auctions. Indeed, they scarcely sell any thing at private sale. When they do so, their invoices are never shown. In a confidential conversation (as regards names) with a man of integrity, dependant on a clerk's salary for support, I obtained some insight into the manner in which these woollen dealers manage their frauds. The common custom amongst this class of importers is, to enter goods on an invoice made out expressly for this purpose, and which is always much less than the actual cost. He assured me that he never made out a custom-house entry but from an invoice of this description, during the time that he had been so employed. These invoices he believes to be thirty-three and a third per cent. at least under the real cost at the place of manufacture."

"As a proof of this, and most conclusively proving that goods are entered at the custom-house on spurious invoices, the following fact is given:

"A piece of broadcloth, costing four to five shillings per yard, as entered at the custom-house, and paying a duty of thirty per cent. under the old tariff, would frequently be bought in at auction, on account of the importer and owner, at two dollars and a quarter to two dollars and a half per yard! Would not any person in his senses gladly sell at this price, if the piece of cloth did

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not actually cost him more than the price at which it had passed the custom-house, and on which the duty was paid? This fact does not need further explanation."

"Messrs. ———, merchants, in Pearl street, called on a commission merchant here to buy bombasins. He offered to sell them at cost and charges, which he supposed would be sixty-five per cent. advance on the sterling cost. The goods were shown, and the sterling invoice exhibited by the salesman. The merchants, seeing that the article was charged low, offered to buy three cases, at sixty per cent. advance. This offer was accepted, and the goods were to be delivered. The buyers asked and obtained the privilege of taking the balance of the invoice, (about nine cases,) if, on examination of the article at their own store, their impressions of the goods being low charged should be confirmed. About an hour after the purchase was made, the salesman waited on the buyers, to say that the goods could not be delivered, as he had made a mistake in selling them by the wrong invoice. The buyers replied that they would take the goods by the prices at which they had been entered at the custom-house; but the commission merchant refused this, saying that his instructions were to sell them at an advance upon the prices put down on what had the form of an invoice, but was called a 'statement' of twelve cases of bombasins, consigned to ———, &c. &c. in which the prices were charged one hundred per cent. above the invoice entered at the custom-house; that is, goods charged in the custom-house invoice at sixty shillings per piece, were put down in the invoice called a 'statement,' at one hundred and twenty shillings.

"When the purchasers remonstrated, upon his refusal to deliver the three cases already bought, he replied that it was ungenerous and unjust to desire a confirmation of a sale made by mistake; and, to convince them that the purchase would be a good one at the highest prices, stated that a retailer, who does the largest business in this city, and is presumed to be a good judge, had offered to buy one case at sixty per cent. advance on the 'statement' prices, but he wanted six months' credit, which was too long to be given on a single case."

I will state another case, for which I have the most unquestionable authority. An Englishman, who has resided in New York for a number of years, and was a very large receiver of woollen goods, principally cloths, all of which were sold at auction, had, some time last spring, a serious misunderstanding between himself and his chief clerk, which resulted in some disclosures being made by the clerk to the custom-house, and he fled to Canada.

In the second, third, and fourth quarters of the year 1829, there were imported into New York about five thousand dollars worth of woollens above the four dollars minimum. I have reason to believe that one person alone bought and sold a greater amount during the same time. Again, sir, I here exhibit samples of broadcloths, which (and I have the best authority for stating it) passed the custom-house in New York under the dollar minimum, and sold in the Boston market at five dollars the running yard, or three dollars and thirty-four cents the square yard. I leave every person to judge if such goods were fairly valued in the invoice, and paid the legal duty. Again: I shall now refer to more evidence. I offer it to show what is the impression that prevails amongst the most intelligent citizens of New York on this subject. I will read an extract from a paper placed in our hands, to which is attached a responsible name—Jeromus Johnson, formerly a member of this House. He, as the chairman of a most respectable and intelligent body of the citizens of New York, and by them sanctioned, made the following public declaration:

"The revenue is largely and systematically defrauded by means of the concealment afforded by auctions. The proofs of this alarming truth are so abundant, that it has long been a settled point among the intelligent merchants.

The Committee of Ways and Means, from the same conviction, have reported the present bill, which does not tax public sales, but only restores those responsibilities and usages which formed the common practice of importers in those prosperous times when smuggling was unknown—before auctions had destroyed regular trade. If these usages had never been interrupted, many millions would have been saved to the Treasury of the United States. Formerly, smuggling, like other great crimes, was of rare occurrence, and perpetrated under accidental temptations. Now, by means of auctions, it has become a system, matured in all its parts, with a mechanism as carefully adapted to its purposes, as in the most regular and lawful occupation.

"The officers of the customs in this city, whose experience has been on the largest scale, and who have devoted much attention to this subject, concur in the opinions and facts which we have now stated."

I shall remark on auctions hereafter.

I now appeal to every gentleman in the least acquainted with public opinion in New York. Is it not generally understood that our laws are evaded? Is it not the prevailing impression of the community that the revenue is defrauded—that the laws of the country are violated, and this in the most flagrant manner?

Again, sir: The President in his message clearly intimates that our revenue laws are evaded. I know that he is anxious that provision should be made to carry them into execution. From the Secretary of the Treasury we are informed that the laws are evaded, and that the attention of the Government is required. The collector of the port of New York, I know, is perfectly satisfied that continued violations of our laws take place. As a faithful, vigilant, indefatigable officer, he has no superior under the Government. He fearlessly executes the laws to the extent of his power. Give me such men, whatever political power controls the affairs of the nation. But his authority is deficient. He has not the means.

We have now seen how affairs are conducted at the custom-house, how invoices are made; let us notice what takes place in the appraisers' office. The office of appraiser was created by the act of 1818, for the purpose of aiding the collectors of the revenue in the prevention of frauds. The office was provided for by the act of 1823, and has continued to the present time. I have already stated the proportion of ad valorem goods sent by the collector to their charge, that is—one package out of every invoice at least, and, if more are contained in the invoice, at least one package in twenty. The appraisers, as has been stated, require the invoice to be produced before they decide on the value. I am informed by one of the appraisers, that the invoice is used as evidence of the value of the goods which it contains. It is well known that, in common practice, it is the only standard of valuation. Not more than seven or nine thousand dollars of woollen goods have been found by the appraisers undervalued in the invoice for the year past, although millions have passed through the custom-house. A part, if not all, of the undervaluations were discovered by an open examination of the goods imported in the ship *Silas Richards*, to which I have before referred. It may therefore be considered as the general practice of the appraisers to take the invoice value as the real value on which duties are to be assessed. I have already shown how invoices for the custom-house are prepared, and every one can judge how much credit should be given them. There is too much intelligence in this committee to require any further explanation. Under the existing state of things, what is the security for the revenue? What for the protection intended to be given to the domestic industry of the country? There is no check, no barrier, to the unprincipled adventurer. The door is thrown wide open. A mammoth might pass without touching his sides. It has already been decided

by a large majority in the House, that Senators and members of Congress cannot be trusted to compute their own mileage—that we cannot trust the presiding officer of the House of Representatives with the appointment of a draughtsman. If so, what are we to think of a Liverpool invoice?

I will now call the attention of the committee to another important point. It is as to the number of the regular American importing merchants engaged in the woollen trade as their principal business. The story is a short one. It is the result of an anxious inquiry. Previous to the war, the woollen trade was almost exclusively in the hands of our own merchants. The number was about one hundred and sixty in Boston, New York, Philadelphia, and Baltimore. Of the same class of importers, at this time, about twenty. As I am informed by a most intelligent merchant, there were in New York, at the period to which I have alluded, forty-three, whom he recollects; now only five. One of the appraisers recently informed me that there were, at least, six! Such is the mysterious change of trade in the great emporium. These remarks are in a great degree applicable to all American merchants engaged in other branches of European trade. If they have not yet suffered as much, they clearly see before them the secret, silent, fatal approach of annihilation. The strong arm of Government must be extended to their rescue.

Again, sir: What is the condition of the American merchant? No better illustration can be given, than what is contained in their repeated memorials to Congress. To one at least I will refer. It is signed by thousands of our fellow-citizens of New York. It now remains on the files of this House. It was presented in 1820, when the evils of which they complain were far less withering to commercial enterprise than at the present day. I will read the conclusion.

“Your memorialists will no longer detain your honorable bodies with a detail of the evils flowing from public sales—from which we can never be relieved, until our merchants share equally in our importations, until every trader is held accountable for the quality as well as the quantity of his goods, and integrity in dealing is properly rewarded by being considered a sufficient guaranty; that, under a sound, equal, and permanent system, your memorialists most sincerely believe that fabrics, from whatever source they may come, will be improved, corruption in trade will be diminished, the consumers throughout the land will, on an average, buy cheaper, the farmer will be better paid for his produce, bankruptcies will be less frequent, and our commercial character consequently restored.”

This is language common to all the memorials on the great and interesting subject of auctions. They all speak of corruption in trade, and suggest means to produce a restoration of commercial character. All know, when American trade was conducted by American merchants, their characters stood before the world untarnished by the suspicion of corruption. At home, and abroad, it commanded the most perfect confidence and respect. Prices were steady, profits uniform, deception unknown. In the present confusion of business, in the untiring efforts of foreigners to supplant our own merchants, and to drive them out of employment in our own country, it is not surprising that commercial character should have suffered in public estimation. The present state of trade must produce this effect, however pure may be individual integrity and honor. I am well aware that the alarming evils which exist, are supposed, by the mercantile community generally, to be produced by the auction system. I have no doubt but it has been one of the principal causes of ruin and desolation to a high and elevated class of our merchants. It keeps trade in perpetual change. It invites to the most ruinous speculation. It affords the most ready facilities for violating our revenue laws; and, above

all, it tends to destroy all confidence in commercial reputation. But suppose that sales at auction are abolished, that honest and honorable merchants take their former station. Under the existing law, and the practice of the custom-house, what could they do? Could they measure consciences with the maker of a Liverpool invoice? Must they not yield to circumstances, or again be ruined? Something else must be done, or the foreign adventurer will command our trade. The subject of auctions is in able hands. It is a great cause—it is a good cause. I have no doubt but it will be well sustained by the honorable gentlemen who have it in charge.

Now, sir, we will consider how the woollen trade is carried on. With this subject all are familiar. In New York, as well as in most of our cities, woollen goods are generally sold on foreign account. As near as I can ascertain, four-fifths; many suppose nine-tenths. Part is consigned to American merchants; a great proportion is in the care of foreign agents. They come here to superintend the sale—have no interest in the country—take the place of the American merchant—many, it is said, live in garrets, make out invoices for the custom-house—publish essays on free trade—gather up the spoils and profits of business—abuse the Government, and—go home. After all, they are not so much to blame, if we continue to nod assent. But, under this state of things, we all see that our own merchants are compelled to perform a miserable part. They have to wait the motion of their masters at the auction room. They are active, intelligent, enterprising; why are they driven from trade? They cannot, will not, dare not, resort to means which those who reside abroad are ready and willing to use.

Now, sir, shall we suffer such a state of things as has and will continue, unless checked, to produce such consequences? Is it sound policy to allow transient, wandering foreigners to usurp that employment which belongs to the American merchant? Is it patriotic? Is it consistent with just national feelings to permit the great commercial interests of this country to be controlled by foreigners? When I allude to foreigners, I mean those whose home is abroad; whose allegiance still chains them to another country. In short, sir, I wish to see American merchants transacting American business. I hope to see the day when this will be accomplished; when our merchants will occupy their former standing in the estimation of this country and the world. We have of late heard much of the transcendent importance of navigation—of shipbuilding. I respect its value as much as any one should. But I had rather see all we receive from abroad introduced by foreign navigation, than see the internal trade of the country conducted by foreign agents. I had rather have for the country a good, substantial, upright, Pearl street merchant, than the best Liverpool packet that ever sailed. We can have both.

It is constantly alleged by many, that the evasions of our revenue laws are caused by the high protecting duties imposed by the tariffs of 1824 and 1828. To this subject I would call the attention of the committee. The charge is erroneous. Evasions of our revenue laws existed to a greater extent previous to the passage of those acts. Under the mild and moderate tariff of 1816—a tariff lower than has been proposed by the warmest opposer of the protecting system during the present session, the most flagrant evasions were known to exist. They cannot be better explained, than by a reference to the report of Mr. Crawford in 1818, while Secretary of the Treasury. He says, after alluding to the course of trade, “there is abundant reason to believe that it is customary, in importations of this nature, to send with the merchandise an invoice considerably below the actual cost, by which the entry is made and the duties secured. Another invoice, at or above the actual cost, is forwarded to a different person, with instructions to take and sell the goods by such

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invoice." This practice, as I have fully shown, still continues; and if it has increased, it arises only from improved skill and experience. Constant practice makes the trade more perfect. If the tariff of 1816 had remained unchanged, foreigners would have gained the advantages they now possess. We also see in all the memorials against auctions from commercial cities, as early as 1820, the most frightful frauds on the revenue are described. It makes little or no difference whether the duties are twenty or fifty per cent.; the same relative advantages exist in favor of the foreigner. That is, he dare verify an invoice in Liverpool, that an honest American merchant dare not do in New York. If the invoice is made out in this country by an agent, he can swear as to his belief of the cost abroad—the American merchant, who purchases, does know the actual cost, and honesty will require him to declare truly—if he does not possess honesty, danger will compel him. He is within the reach of our own laws, where perjury is sometimes noticed. But you cannot reach the person who swears falsely to an invoice in a foreign country. There he is perfectly safe. The truth is, sir, that the foreign valuation is the rotten part of our system. But so it is, and we must make the best of it.

Now, sir, I will allude to the effects which fraud and evasion must have had on the revenue. The amount of *ad valorem* goods imported into the port of New York, for each of the last ten years, at the invoice price, will not vary much from twenty-five millions of dollars; the whole amount, two hundred and fifty millions of dollars. The average rate of duty may be estimated at twenty-five per cent. The amount of duty for ten years would be sixty-two million five hundred thousand dollars. We have already seen how goods are valued in the invoice—the low price at which they pass the custom-house. The average cannot be more than two-thirds of the real cost or value in the foreign market. Goods which cost abroad three hundred and seventy-five millions of dollars, have been invoiced at one-third less than the cost. This would amount to the two hundred and fifty millions as I have stated, on which duties have been paid. Duties should have been paid on the three hundred and seventy-five millions of dollars, which would have produced ninety-three million seven hundred and fifty thousand dollars, instead of sixty-two million five hundred thousand dollars, a difference of thirty-one million two hundred and fifty thousand dollars. This in the port of New York alone. I am ready to admit, that if the laws had been fully enforced, the importation of many articles would have diminished, yet the treasury would have gained millions, and the domestic industry of the nation would have been secured. I will pass to another topic—smuggling.

When any charge is made that our laws are evaded through the custom-house, the cry of smuggling is raised from a certain quarter. If a foreign agent presents his well made invoice—good looking invoice—to the collector, and the collector has some doubts whether all is right, you might well suppose he would say, sir, can you think I would do any thing wrong? Will I cheat, sir? Smuggling, you may depend, sir, is carried on only on the northern frontier. There is the place to look for rogues; I am honest. Mischief is on the northern frontiers; that is the place. If he presents an invoice that would make the spirit of mischief blush, he declares that he is honest; smuggling is only found on the northern frontier. So his invoice passes. Newspapers opposed, all opposed to the protecting policy, testify that no evasions take place, except on the northern frontier; every where else, all perfectly honest! This is a capital way to escape.

Now, [said Mr. M.] I have taken much pains to learn the truth of this matter. I have resorted to every source of information; to the officers of the customs, to our merchants, to all who are best acquainted with the course of the Canada trade. The charge is wholly incorrect, that

illicit trade in that quarter makes any impression on the revenue or market. There may be along the lines a little petty dealing, that would always exist whether duties were high or low. Efforts have been made on a large scale. They have been, and will be, unsuccessful. The reason is obvious. The great marts for the northern merchants are New York and Boston. When they go into market, they obtain a full assortment for the season. A few pieces of woollen goods is all that each merchant may want. There can be no motive for smuggling. It certainly can be no great object to the foreigner to smuggle cloths to a small extent. If to a large amount, of course he must send his goods to the seaboard market. His goods are exposed to the weather, to damage, to expense and seizure. Besides, in the country any movement out of the usual way is observed. Curiosity is excited. If mischief is on foot, it will be discovered. Again, sir, the people in that part of the Union are friendly to our domestic policy. The farmer and manufacturer are awake. Here is a great security. You might as well smuggle straw as broad-cloths. In great ports, like New York, where all is bustle and confusion, illicit trade is comparatively safe. You might smuggle a ship load there more easily than you could send a wagon load from Canada to the same place. After the passage of the tariff in 1828, in England smuggling was practised on a large scale across the lines. The attention of Government was called to that subject. Among other precautions, a confidential and most intelligent agent was appointed to observe the operations of trade on the northern frontier. From him, sir, I have a statement, which fully and amply sustains what I have mentioned before. He has ascertained that our exports to the Canada market, for the year 1829, amount to two million forty-four thousand dollars. That near two millions of this has been paid for in specie, or drafts, in favor of our exporters, on our seaboard cities, mostly on New York. If required, a full detail could be given. I well recollect, on a former occasion, the same charge was made. It was said on this floor that we exported annually about two millions to Canada, we paid duties on a small amount of importations, and smuggled the balance in returns. It so happened, that, when the charge was made, I had in my possession evidence that one house alone in New York had, annually, for three years, accepted and paid drafts to the amount of one million two hundred and fifty thousand dollars, the proceeds of the Canada trade. Then, I hope the fears of smugglers on the frontiers may be quieted, for the present at least.

I will now advert to another point. The people in the interior of the country have never been aware of the mischiefs that have been practised at the custom-house. The Government has not been fully apprised of them until lately. Darkness had enveloped them. Strong reasons exist. Let us look at them plainly. Twenty-five millions a year of *ad valorem* goods imported into New York; in the market, worth thirty-five to forty millions; three-fourths, perhaps nine-tenths, owned by foreigners, hostile, I repeat, to our policy, intent on gain, and using every exertion to save the last farthing. Here is a cordon around the custom-house. If any power on earth can overawe a department of the Government, here it is. You can see it, if you have the least knowledge of human nature. If its officers perform their duty, they are assailed; they are represented as harsh and tyrannical. I will give an instance. The present collector of New York—I wish all officers of the Government were as faithful—knowing that goods were dispersed in all directions before the appraisers had made their report on the sample package, required of the importer the following simple obligation:

"I, ———, do promise that all or any part of the merchandise mentioned in the annexed entry shall, at the request of the collector, be immediately delivered up for examination by the public appraisers."

The object of this was, to have imported goods, in some degree, under his control, in case fraud should be discovered in the sample package. This made such uproar that he was compelled to abandon it. This was too much for free trade to endure. Foreigners declared that the collector was unfit for the office, he gave such unnecessary trouble. Under existing laws and established practice, Liverpool has repealed our revenue laws in New York. Vigilant and honest officers cannot prevent it. They have not the force, the aid that is required. Government alone can afford a remedy. The bill under consideration is intended to accomplish a part at least. I hope something may be done. The interior of the country have a deep interest in this matter. The custom-house belongs to the nation. It belongs to Ohio, to Kentucky, as much as the city of New York. We have the power to correct abuses. Let it be used.

I will now proceed to consider the provisions of the bill before the committee. It is confined to woollens. The committee did not wish to propose any measures, except when required by clear and palpable necessity. One of the great objects of the tariff of 1828 was to protect the woollen manufacture. At the time, it was feared and believed by many that the dollar minimum would destroy all intended benefit. As it passed this House, the duty was specific. In the Senate, the duty was changed to ad valorem. Yet, by a most erroneous decision of Mr. Secretary Rush, the ad valorem principle was not allowed to apply. The ten per cent. in addition to invoice cost was disallowed, which most materially diminished the intended protection. This affected the fabrics composed of the raw material which is produced by our farmers in the greatest abundance. They have been made to suffer, even more than the manufacturer. All that is now asked, all that is humbly required, is to give really, honestly, in good faith, what the Government has promised, pledged itself to give. That is all.

The first section provides for having a copy of the invoice delivered to the collector. This is indispensable for the correct estimate of duties, as well as a guard against frauds. The value of this is admitted by the custom-house and Treasury Department.

The second section requires that woollen goods should be placed in the public store. The object is apparent. It is for the purpose of giving power to the officers of the Government to keep them safe until the legal duties are ascertained. Our revenue laws now require it, in my opinion. The practice is otherwise, as I have shown. There will be no difficulty; the delay trifling. It will operate equally; no advantage will be given in the market by any. The rights of the Government will be safe.

The third section provides for the examination of the goods by the appraisers. It requires that they should be marked with the evidence of the minimum class to which they belong, and on which duties should be paid. In this there will be no difficulty. Every cask of wine and spirits is examined and marked. Every chest and box of tea is examined, whether it contains five pounds, or two hundred. Every bar of iron is weighed; every bushel of salt measured. Every piece of cloth can as well be examined, valued, and marked. It can be done with the greatest expedition. It will be a great security to the honest merchant, and to purchasers. Each will be able to compare qualities and prices. Fraud will be exposed to public observation—the surest check. I will pass on as rapidly as possible; will give more explicit explanation when desired. As to measuring goods, no more is required, perhaps not as much as is required by the law of 1828. The next provision of importance is that which declares that the appraisement shall be made without the invoice. Their value, their correctness, I have described. If appraisers understand their duty, a fair valuation can be made without the invoice; if they do not, they should

be discharged. If the duty cannot be performed, the office should be abolished. With skill, attention, integrity, the Government would be safe; without these qualifications, their employment would be useless.

The greatest objections I have heard urged against the bill have arisen from the penalties to be incurred in cases of appraisement above the invoice price. I do not think they are indispensable, and shall, at a proper time, submit a motion to strike them out. My desire is to remove all the objections that may exist, provided the main object is accomplished.

The fourth section contains but one alteration of the existing law, that I consider material. By the revenue laws now in force, when the importer, his agent, or consignee is dissatisfied with an appraisement, he may require a re-appraisement. In such cases he may "employ two respectable resident merchants," who, with the appraisers, shall re-examine and re-appraise the goods in question. The consequence is obvious. The importer will employ the person most favorable to his interest. Now, sir, the change proposed by the bill is, that the collector shall appoint the merchants to be associated with the appraisers in cases of re-appraisement. The collector is bound to do justice to all—to the Government as well as to individuals. He acts impartial. It is known, it is expected, that, when the importer employs persons to join the appraisers, he will select those the most partial to his interests. At any rate, he has the power to do so; human nature prompts it; it is not forbidden by the law or the doctrines of free trade.

The fifth section is but a consequence of the one preceding.

The sixth section provides penalties for counterfeiting and changing marks. If goods are marked, as is provided in the third section, this provision is necessary.

The seventh section is important. It provides that the Secretary of the Treasury shall assign one of the appraisers, now appointed, to take charge of the goods deposited in the public store, according to the third section of this bill; and that the Secretary shall appoint assistants to the appraisers, for the purpose of securing a full and faithful execution of the laws. It is considered by all, it is well known, that more aid is required at the custom-house in New York. Considering the immense business done in that port, the appraising department is totally unable to perform the duties by law required to be performed. Further force must be allowed, or the laws, even as they at present exist, cannot be executed. The Secretary of the Treasury has earnestly recommended this in his report. The collector of New York considers it indispensably necessary. The Committee on Manufactures were fully convinced that further assistance should be given. Since the bill was reported, as an individual member, I have become satisfied a more efficient arrangement may be made, than that contained in the bill. It is, that the President of the United States, by the consent of the Senate, shall appoint an additional appraiser for the port of New York. That the Secretary of the Treasury shall distribute among the appraisers the classes of business to be by each performed. One can be assigned to the examination and appraisement of woollen goods; one to hardware and other articles; one to silks, linens; indeed, the distribution may be made in such way as that there may be a full superintendence over all ad valorem goods. This can be arranged as the occasion may require. Also, that the Secretary of the Treasury shall appoint such number of assistant appraisers as the public service may demand. It is my intention to submit, on a proper occasion, an amendment for this purpose. I am confident it is the better plan, and will better meet the views of the Treasury Department as contained in the report on this subject, and more effectually accomplish the object which all must desire.

I will now explain the ninth section of the bill. By the eleventh section of the act of 1823, a part owner re-

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siding in the United States may verify the invoice. Let his interest be ever so small, he possesses this right. It may be created for this purpose. The great object of the foreign resident is to pass his goods through the custom-house as low as possible. He sends his goods to a part owner, with such representations as to cost as he pleases, with a blank invoice. The part owner in this country very honestly swears to his belief of the value in the foreign market. That value may be as low as the standard of his conscience, very low, as low as will pass the custom-house. Very low. Now, if invoices are worth any thing—and it seems to be admitted that when made by foreigners they are not worth much—the buying partner should do the swearing, and not the selling partner. The buyer may be supposed to know the price better than the seller.

The remainder of the bill relates to the disposition of the penalties, and the authority of the Secretary of the Treasury to provide regulations for the full execution of the act. They are the usual provisions in our revenue laws.

Now, sir, I hasten to a conclusion. I have stated that our revenue and protecting laws are evaded. I have given the evidence. The measure proposed contains no new principle. The object is to enforce what the Government has decreed. I am not tenacious of form. What the Government has promised, let it be fulfilled. If a better mode can be devised, it shall have my hearty concurrence. The question I propose is, shall the laws of the country be executed? Every gentleman of this committee will consult his own heart. Let it come home to his own bosom. Let his honest conscience give an answer.

TEA AND COFFEE.

When Mr. M. had concluded his speech, Mr. McDUFFIE moved that the committee lay by the above bill for the present, and proceed to the bill "to reduce the duties on tea and coffee;" which motion was agreed to, and the bill was taken up.

On motion of Mr. McDUFFIE, the bill was amended, by substituting a specific duty of two and a half cents a pound on coffee, instead of the ad valorem duty, and the period for the commencement of the reduction changed from June 30 to December 31, 1831.

On motion of Mr. McDUFFIE, the bill was further amended, by substituting a specific duty on the various teas, (amounting generally to about half of the present duty,) instead of an ad valorem duty, and the period for its operation made the same as that on coffee.

Mr. CONNER, of North Carolina, then moved to insert a clause to reduce the duty on salt to ten cents a bushel.

Mr. McDUFFIE beseeched his friend from North Carolina to withdraw this amendment. The merchants had been suffering for years for this bill; vessels were now coming in, and insolvencies must be the consequence of further delay. The amendment would bring up a tariff discussion, and, although as much opposed to that whole system as any one, he deprecated bringing up the question on this bill. He, therefore, begged the gentleman to withdraw it.

Mr. CONNER, not apprehending that his amendment would embarrass the bill, and deeming it a proper opportunity for trying the question, declined withdrawing his motion.

Mr. BARRINGER, of North Carolina, then moved so to amend the amendment of his colleague, as to make the reduction of the duty on salt gradual—first to be fifteen cents till December 31, 1832, and after that time ten cents.

The question being put on the propositions successively, they were both negatived by large majorities.

On the suggestion of Mr. GORHAM, and after some explanation from him, the bill was so modified as to apply

to teas imported from "any place east of the Cape of Good Hope," instead of "from China" alone.

Mr. CAMBRELENG moved to amend the bill, so as to put coffee on the same footing, as to the privilege of being deposited in the public stores, as tea.

This motion brought on some discussion between the mover and Messrs. McDUFFIE and C. P. WHITE, in the course of which, the last named gentleman, in illustration of the subject, read the following statement:

Coffee imported in 1827	50,051,986 lbs.
Exported	21,697,789 lbs.
Consumed	28,354,197 lbs.
Coffee imported in 1828	55,194,697 lbs.
Exported	16,037,964 lbs.
Consumed	39,156,733 lbs.

The amendment was ultimately agreed to.

Mr. PEARCE made an unsuccessful motion to insert a clause, to allow, after a certain period, a drawback of nine cents a gallon on rum; when

The bill having been gone through, the committee rose, and reported the bills to the House.

RECONSIDERATION OF THE ROAD BILL.

Mr. SPENCER, of New York, rose, and moved that the vote of yesterday, by which the Buffalo and New Orleans road bill was rejected, be reconsidered. Mr. S. stated that he did not make this motion because his opinion in regard to the bill had undergone any change, but he made it in compliance with the request of a gentleman who desired to revive the bill, not again to discuss or examine it, but merely to lay it on the table, with the declared intention of not calling it up again during the session. In courtesy to that gentleman, Mr. S. made the motion for reconsideration.

Mr. CAMBRELENG—Have not several bills just been reported to the House from the Committee of the Whole House?

The SPEAKER—There have.

Mr. CAMBRELENG—Is not their consideration now in order?

The SPEAKER—Certainly.

Mr. CAMBRELENG—Then, sir, is the motion to reconsider the vote of yesterday in order?

The SPEAKER—Perfectly in order.

Mr. BUCHANAN, understanding that the object was merely to get the bill laid on the table, and not to revive the discussion of it, would vote for the motion, not that he was friendly to the bill, and especially to authorizing such a road as was proposed by the bill. The decision of the House on this bill, he understood, was claimed as a victory by the opponents of internal improvements. It was not so. He himself was a friend of internal improvements, although he had voted against this bill; but he was in favor of encouraging them by distributing among the several States the surplus revenue. The bill had been rejected, because many members friendly to the principle of internal improvement thought the scheme wild and inexpedient. He repeated that he was willing, for the reason already stated, to vote for the reconsideration, although he was opposed to the passage of the bill.

Mr. POLK was opposed to the reconsideration. After the long discussion of the bill, and the decision of it by a full House, he had thought the matter would be allowed to rest. It was said by gentlemen that the decision of this bill involved only the question of expediency, and not the constitutional principle. He presumed that the decision resulted from the combined motives of inexpediency and unconstitutionality, and not from the simple objection of inexpediency. However that might be, as the subject had

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been solemnly disposed of, he hoped it would not be revived. If, however, the reconsideration was carried, he should be in favor of again taking a direct vote on the bill, and not laying it on the table; and, with that view, he moved a call of the House.

Mr. GORHAM demanded the yeas and nays on this motion; which being taken,

The motion of Mr. P. prevailed: yeas, 99; nays 81; and the call of the members proceeded for some time, when it was, on motion, suspended.

Mr. CARSON then rose, and said, he understood that this motion was made and had been supported by the gentleman from Pennsylvania, expressly on the ground that the vote of yesterday was claimed as a victory by the opponents of internal improvements. I, for one, [said Mr. C.] do claim it as a victory. It was a victory that will redound to the lasting honor of this House and this nation. Yes, sir, it was a victory over a monster which has been lapping the life-blood of the South. Yesterday, sir, we harpooned the monster, and made his blood spout gloriously. It appears, however, that his last convulsive agonies have excited the sympathy of some gentlemen, and they are now willing to put him into the hands of political doctors, to have all his wounds healed, and his health, strength, and venom fully restored by next session. Sir, I hope the bill will not be laid on the table. Should it be reconsidered, as I know it will be, (for the arrangement is already made,) I am ready to meet the question again, and dare the friends of the bill to the contest; then let us see who will retreat from that gallant corps who faithfully united their hands, and bravely and successfully contended for the constitution. If the bill shall be reconsidered, and its friends then lay it on the table, we shall again claim the vote as a victory. When I see men flying off from our ranks and deserting to the other side, it does but increase my desire for the fight. Yes, sir, we will try it manfully, hilt to hilt. We have won the victory once—we have got the monster down—he is struggling and ready to expire, and I, for one, will keep my foot upon his neck, and hope to witness his expiring gasp.

Mr. SPENCER said, if the member from North Carolina meant to apply his remarks to him, he repelled them. He had not changed his opinion respecting the bill; but he held himself at liberty to do so if he saw fit. He had made the motion, not in consequence of any change of opinion, but from courtesy to the gentleman who requested it. He himself entertained powerful objections to the bill, but he had not thought proper to trouble the House with them. These, however, should not restrain him from performing a customary act of courtesy. He regretted that his motion had given rise to any angry feelings, but these should not induce him to retract it.

Mr. MERCER said, there was one peculiar reason which ought to prevail with the House to reconsider the vote of yesterday. A gentleman, who was very desirous of proposing an amendment to the bill, had, in his hearing, been assured, that, if he would not insist upon offering it then, he could have an opportunity of offering it when the bill came into the House. The call for the previous question had cut off all opportunity of amendment, and all further debate, so that the bill had never been submitted to the test of amendment, which might have put it in such a form as to obviate the objections of some of its opponents, and thus to have ensured its passage.

Mr. TUCKER said, he had been here thirteen years, but had never witnessed any thing like what he had heard on this bill, and he prayed God he might never see the like again. He would notice a remark of a gentleman from Tennessee, that, if they had had Tennessee boys here during the war, they would have saved the capitol. Mr. T. admitted that if one from Tennessee had been here, called "Old Hickory," he would have saved the capitol with one-half of the militia which was present. The militia

who were here were brave enough, but they wanted some body to head them. As to the present motion, [said Mr. T.] he hoped, if the vote was reconsidered, that the question would be tried on the bill again, and not have it laid on the table.

Mr. CROCKETT remarked that he had always been in favor of the road, and had exerted himself to have it carried through his district, if the western route should be selected. He never had believed that the bill would pass, if at all, by a great majority. For his part, he had no opinion of this Government's giving away power to the States. Suppose the States should turn round, and say, you shall not make the road. He would vote to go through any gentleman's State with a road or a canal, that was for the good of the Union. He did not believe he should ever give up that doctrine.

[Some mutual explanations here took place between Messrs. CROCKETT and TUCKER, in reference to previous remarks.]

Mr. WILDE had regretted to see the House falling into a temper but little calculated to advance the public business. He hoped the subject would be considered calmly, and decided without passion. The motion, he observed, was supported on two grounds: First, that the rejection of the bill was claimed as a victory by those opposed to it on principle; and, secondly, as an act of courtesy to the gentleman who had the bill in charge. If the reconsideration were asked merely as an act of courtesy, [said Mr. W.] he would not refuse it. As to the other ground, he said the majority against the bill did not consist altogether of those affirming the principle that the Government has no constitutional right to construct roads; the majority was made up of all parties. But, [said Mr. W.] while it is conceded that the rejection of the bill is not claimed as a victory by those who oppose the power, will not the reconsideration be claimed as a victory for the party which affirms the power? At any rate, the effect of a reconsideration would be to place the bill again on the calendar, where it may be called up again, even during the present session; but if not at this, it will be ready for the next session, when a variety of considerations may have operated on gentlemen to give it increased strength.

Mr. J. S. BARBOUR said, it was not usual with him to consume the time of the House in debate, nor should he now trespass on its patience. I ask, however, [said Mr. B.] that it bear with me for a single moment, while I offer a word of explanation as to the vote I am about to give. My vote stands recorded against this bill in the Journal of yesterday, nor can I conceive any change as likely to occur in the condition of things, that will change that vote. But, respectable portions of those who sent me here, have expressed their wishes in favor of this road, and, whilst I cannot vote for the bill, it is an act of justice to others, as well as to myself, that I should lay their wishes before this House, as well as my own reasons for resisting the bill. I had hoped that this opportunity would have been afforded me yesterday, but I was excluded by the demand of the previous question, and the sense of this body sustaining that demand. In the hope that I may still be permitted to do so, I shall now vote to reconsider the question.

Mr. ANGEL said, as the people of New York felt so much on this subject, and had so large a stake in the question, he regretted that the motion for reconsideration had been made by his colleague, who, by his talents and character, standing at the head of the delegation, venerable for his years and respected for his wisdom, gave weight to his motion. His colleagues, therefore, thought hard of it. The object of those who desired the reconsideration was, by reviving the bill, and then letting it lie on the table for the remainder of the session, to make it appear that this Congress was favorable to internal improvements. He spoke for the people of New York, when he said they

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looked at this proposed road as an object that was to crush them with taxation.

Mr. MAGEE replied that his colleague was not the sole representative of New York, and could not so speak for the whole State. There were more than a million of the people of New York in favor of internal improvements, and his colleague must not assume the right to represent the whole State, while she had other representatives on this floor.

Mr. ANGEL disclaimed any such assumption. He meant nothing of the sort. He only spoke in reference to the effect of the bill, and the supposed feelings of the people on the subject.

Mr. BURGESS did not rise to make a speech on the motion, but merely to deprecate, not only the feeling evinced, but the style of the discussions on this floor. Was it come to this, that the motives of gentlemen were called in question, and the balances of interest struck for and against themselves, to establish those motives? Not only this, but an act of high and generous courtesy—an act of comity so fitting to the dignity of the representative office; this even was arraigned and opposed as unworthy. Sorry, indeed, [said Mr. B.] was he to witness such a course of procedure. The motion, he proceeded to remark, is opposed, because its success will be claimed as a victory by the friends of the bill, and mar the glory of the victory gained by one section of the country in its rejection. We acknowledge, [said Mr. B.] at least in form, that we are conquered; and we merely ask, when at the point of the sword, a little indulgence. This will not reverse the victory. Yes, sir; the victory. The rejection of a bill is termed a victory—as if we who are met here to consult on the common weal of our common country, were deadly enemies; and all the figures of ferocious war and bloodshed are brought in to illustrate the triumph; not the implements of ordinary battle, the sword and the pistol, but the harpoon is introduced, as if the measure which has been destroyed, was a monster and a curse, instead of an object of great public utility and beneficence. Sir, this evinces bad taste as well as bad feeling. And the triumph of the South is claimed in this decision. Have we lost, sir, any of the points of the compass? Over whom and what is this victory achieved? Is it the North or the West? Is it come to this, that we hear, on this floor, a victory claimed by one part of the Union over others? Sir, it is not true. The whole country is interested in this road—there is no part which would not feel its beneficial effects. Even Rhode Island, remote as she will be from it, will be benefited; for by this road the iron of Tennessee will be brought to the markets of New England. He hoped the motion to reconsider might prevail; that the bill might then be laid on the table until next session, and in the mean time be made a popular question, and, if the sense of the people be in favor of it, their names might be heard, and the bill become a law.

Mr. CARSON said, he wished to address to the House a few words of explanation; and in the first place, he would say to the gentleman from New York, [Mr. SPENCER] that it had not been his intention to impugn that gentleman's motives in the slightest degree. He had neither affirmed that the gentleman had altered his constitutional opinions, nor that his vote for reconsideration would be evidence of his having done so. He was also perfectly aware that no change had taken place in the sentiments of the gentleman from Pennsylvania; but he had heard it suggested that morning, before the House met, that this motion was a political manœuvre, and that the bill was to be got up and laid on the table again, for political effect. He had, certainly, looked upon the vote of yesterday as a victory, and he had called it a victory of the South, because it had a bearing on a question in which the whole southern portion of the Union was not only deeply but vitally interested. He had not originated the word victory—it had been used by other

gentlemen before he employed the term. He did hope that gentlemen would have been willing to concede something to the feelings and interests of the South; yet, after the decided vote of yesterday, they wanted the question reconsidered. He repeated the declaration, that he was prepared to meet it. He wished to see whether they could pass that bill or not. As to the figure he had happened to employ, and on which the gentleman from Rhode Island had seen fit to animadvert, it was, perhaps, useless for him to say to the House that he had been raised among the mountains, that he had never trodden academic hall or collegiate walks, nor had he studied tropes and figures of rhetoric. It might, perhaps, have been more appropriate if he had spoken of laying the monster low with a rifle. He was sorry that harpoon seemed so disagreeable to the gentleman from Rhode Island; and from the knowledge of that gentleman's literary acquirements, and especially of his taste for tropes and figures, of which he had given that House so many impressive proofs, he would, if he had had the opportunity, have consulted that gentleman, and taken his advice before he made his speech; but, as circumstances had not rendered this practicable, the figure was now past recall, and must go for what it was worth.

Mr. MARTIN, thinking the House might meet in better temper to-morrow for the decision of the question, moved an adjournment; but the motion was negatived by a large majority.

Mr. ELLSWORTH said that it would have given him pleasure to have obliged the friends of the bill, by voting yesterday in its favor, and he should have done so, if he had supposed that it involved the mere abstract principle of the power of the General Government to carry on a judicious system of internal improvements, of a national character. But, after all the attention he had been able to give to the subject, he had been fully impressed with the conviction that it was his duty to vote against the present plan, as unnecessary, inexpedient, and extravagant.

Mr. E. said he was a decided friend to national improvements, if they were of a judicious character. But he would ask, what single consideration had been brought forward to-day, to induce the House, after all the discussion which had led to the vote of yesterday, to revise its decision? He had been sorry to hear from the very honorable gentleman of Virginia, [Mr. P. P. BARBOUR] words which seemed to show that that gentleman harbored a feeling he must regret; and he was yet more sorry to hear the strain of remark which had been indulged in by the gentleman from North Carolina, [Mr. CARSON.] What was the reason which had been adduced in favor of reconsideration? The gentleman from Pennsylvania [Mr. BUCHANAN] had declared that he should vote for it, because the decision of yesterday was claimed as a triumph. Let gentlemen claim what they pleased, so long as the nation and the House had sense enough to perceive that the general principle of internal improvement was not involved, or compromised by the bill. He was sorry any gentleman should have claimed a victory on the abstract principle. He did not believe that the decision warranted any such claims. Was any new view of the subject now presented to him, which ought to induce him to reconsider a vote given yesterday, after much reflection, and under a solemn sense of duty? He had then voted according to the lights before him; and, having received no new light, he could not change his vote.

Mr. P. P. BARBOUR rose, and said, he trusted the House would bear with him for a few moments. I should not have risen, [said Mr. B.] but for two or three allusions which have this morning been made, or which I understood to have been directed, to a remark which fell from me at the close of the debate yesterday. It would be difficult to express my surprise at the information which I received yesterday, for the first time, from the act of the House, and which has been further confirmed to me by several

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gentlemen this morning, in relation to the excitement produced by that remark. Sir, I have been fourteen or fifteen years a member of this House, and I think I may appeal to all who have served with me to say whether I have not consulted the decorum of debate to as great an extent as any gentleman who ever had a seat on this floor. During the whole course of the debate on this bill, in which I myself took a part, and in which I felt the deepest and strongest interest, I believe not one solitary word escaped me, at which criticism itself could take exception, as wanting in respect to the House. I have ever pursued one uniform course on this floor. When the final question was about to be taken on this bill, without any knowledge whatever on which side of the question there might be most gentlemen absent, I presented a motion for a call of the House, in order that the question might be fully and fairly taken; and when the decision was announced, I felt, I confess, highly gratified. I had scarcely ever in my life made a motion to adjourn, but it was then past three o'clock; and after the intense feeling and strong excitement which had prevailed, the House was left in a state of apathy which, in my judgment, unfitted it to commence upon another great subject which then came up; and, observing that enough had been done for glory for one day, I moved an adjournment. I had not the remotest conception of the imputation that would be attached to the remark. Nor could I so much as conceive that a mere incidental observation, made without a moment's thought, and in a good humored manner, would be urged now as a reason for reconsidering a great national question, which had been gravely decided after mature debate. I do not know if the gentleman from Pennsylvania alluded to me, when stating the reason which induced him to second the motion to reconsider: (I now perceive from the motion of his head, that he did not.)

Sir, when this House is called upon to reconsider a vote which has passed, it is to be presumed that the reconsideration is for some purpose; that it is to effect some object. But what is to be done in consequence of the reconsideration now asked for? It seems to be avowed, on all hands, that the bill is not to be acted upon at this session, but to be laid upon the table. Why, then, reconsider it? I can well understand a motive for those gentlemen who are in favor of the bill. They will, by this course, instead of a rejected measure, have it still open as an undecided question. But as to those gentlemen who voted against it, and who tell us that they shall again vote against it, I confess that I cannot perceive why they should go for a reconsideration. It cannot be a satisfactory reason, that one of the opponents of the bill claimed a victory. As far as that is referred to the remark used by me, I again disclaim all intention of manifesting any thing like offensive exultation, or saying any thing intended to be insulting to the feelings of the minority; nor could such an imputation have grown out of the remark which I made, either from the matter or the manner of it, had not the feelings of the House been too highly excited to allow it to judge with coolness on any thing that passed. I think that gentlemen, on reflection, will feel the justice of this remark.

Mr. MERCER, in reply to Mr. ELLSWORTH, observed, that he had understood that gentleman to say that the motion in favor of a reconsideration had not been supported by a single argument; and though Mr. M. confessed himself to be the last person in the House who ought to except to such a statement, because it was possible that the gentleman had considered what he had said as no argument at all, yet he must be pardoned for insisting that an argument, and one which he considered as convincing, had been urged. He would like to know why the bill had been committed to a Committee of the Whole; was it not for the purpose of amendment? Yet, when gentlemen were prepared with amendments to offer, it had been whispered to them by others in their neighborhood, "postpone

your amendment, and you can offer it in the House." The previous question, in the mean while, had been called, by which all amendment was precluded. He would ask, therefore, as it respected this bill, how had the ends of legislation been attained? Did any one, for example, believe that the gentleman from North Carolina [Mr. SHEPHERD] would have voted for the bill, if his amendment had prevailed? and might not the same be true of others? How easy would it be for the opponents of a bill to destroy any measure whatever, by refusing those amendments which would make it acceptable. The principle of the bill was not settled by the vote. The gentleman from Pennsylvania had said that his objection was founded on the fact that no consent of the States was required. Others were opposed to the bill, because it recommended the western instead of the eastern route. The bill might have been amended so as to leave the route open; and thus that objection would have been removed. If the bill should be taken up, and laid on the table, it would remain open to amendment at the next session, and all that had been done would not be lost. If this was not an argument for reconsideration, he did not know what argument meant.

Mr. A. H. SHEPPERD explained the reason for the vote he should give. If the amendment which he offered had been adopted, he would have voted for the bill; but he was not inclined, for the remote contingency of obtaining his amendment, to vote for the reconsideration.

Mr. ELLSWORTH would detain the House but one moment, while he replied to the gentleman from Virginia. That gentleman had said that Mr. E. had not duly weighed his arguments. He could assure that gentleman that it was not from any want of attention, for he always heard him with great delight; but the honorable gentleman would pardon him for considering the argument not entitled to so much weight as he seemed to suppose. When he said that no arguments had been advanced, he meant that none had been adduced, which, in his opinion, were likely to have weight with the House. The gentleman said there were amendments to the bill, which might render it more acceptable. He put it to the gentleman to say whether, if the vote to reconsider should prevail, it was intended that amendments should be offered. If the House had agreed to the previous question, it was an indication that they wished for no further light. He would ask the gentleman a question. If the House, after argument, had finally disposed of the question, ought it to be urged that the same question should be re-examined? He understood the House as having made up its mind; and as for the claim of victory, it moved him not a whit. If such a claim, on such a vote, gave gentlemen any pleasure, they were entirely welcome to enjoy it.

Mr. STERIGERE was willing to grant the reconsideration if the bill was not to be taken up again during the session; but, from what had fallen from the gentleman from Virginia, [Mr. MERCER] there seemed to be an intention to go into its consideration again this session. If so, he could not vote for the motion.

Mr. MERCER certainly believed that if the bill had taken a certain shape, it would have passed; but, as the bill would be taken up next session, where it is left at this, it would be sufficient now to reconsider, and lay it on the table. It was now too late to introduce the amendments which the bill required, and he should be in favor of letting it lie, and at the next session modifying it so as to leave to the President the selection of the route from Buffalo to New Orleans.

Mr. HEMPHILL concurred in the purpose of merely restoring the bill to the calendar, and letting it lie over until the next session. All he desired at present was this; he had no intention of pressing its consideration again during this session.

The question was then taken on the motion for reconsideration, and carried: yeas, 99—nays, 91.

APRIL 16 to 20, 1830.] *The Army.—Death of Alexander Smyth.—Tea and Coffee.—Salt.*

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Mr. PEARCE then rose, and said, that, as something had been done "for glory," though not as much as he could desire, he moved that the House now adjourn; but, at the request of several gentlemen round, withdrew the motion.

The vote of reconsideration having placed the bill again at its third reading, to cut off any other motion,

Mr. HUBBARD moved the previous question.

Mr. STEPHENS moved to adjourn.

Mr. LECOMPTE demanded the yeas and nays on the adjournment; which being taken, the motion was negatived: yeas, 45—nays, 134.

The call for the previous question was not seconded, the yeas being 82, the nays 93.

Mr. SUTHERLAND then having obtained the floor, moved to lay the bill on the table; which motion prevailed: yeas, 94—nays, 88; and then (at six o'clock) the House adjourned.

FRIDAY, APRIL 16, 1830.

THE ARMY.

The House resumed the consideration of the resolution proposing a reorganization of the army, with a view to a reduction of the number of officers.

Mr. TUCKER, of South Carolina, made a number of remarks adverse to the West Point Academy, disapproving of its administration, the mode of appointing cadets, &c.; to illustrate which, he referred to the document lately reported from the department on the subject of the academy; which document he had not got through reviewing, when the hour expired.

Adjourned to Monday.

MONDAY, APRIL 19, 1830.

DEATH OF ALEXANDER SMYTH.

The Journal of Friday having been read,

Mr. McCOY, of Virginia, rose, and announced to the House the decease, on Saturday last, of his colleague, [Mr. ALEXANDER SMYTH.] Mr. McC. said, the character of the deceased was too well known to need any eulogy from him, and he would content himself with offering the following resolution:

Resolved, That a committee be appointed to take order for superintending the funeral of ALEXANDER SMYTH, deceased, late a member of this House from the State of Virginia.

The resolution was unanimously adopted, and Messrs. McCOY, ROANE, CLAIBORNE, ALEXANDER, TALIAFERRO, GORDON, and CRAIG were appointed the committee.

On motion of Mr. McCOY, it was also

Resolved, unanimously, That the members of this House will testify their respect for the memory of ALEXANDER SMYTH, by wearing crape on the left arm for the remainder of the present session.

Resolved, unanimously, That the members of this House will attend the funeral of the late ALEXANDER SMYTH, this day at twelve o'clock.

TUESDAY, APRIL 20, 1830.

TEA AND COFFEE.

The House then took up the bill to reduce the duty on tea and coffee, with the amendment reported thereto to the Committee of the Whole.

The amendment respecting tea was concurred in.

The amendment fixing the duty on coffee, at two and a half cents a pound after the 31st December, 1831, coming up,

Mr. SEMMES, of Maryland, moved to amend the amendment, by striking out two and a half cents, and inserting one cent as the duty. This duty [said Mr. S.] was not necessary for revenue, as, under any modification of the tariff that was likely to take place, the revenue

would be sufficient to pay off the national debt as fast as it became due; and as the article did not come in competition with any domestic product, the duty was not necessary for protection. Further, the article was no longer one of luxury, but had become one of general and necessary use, and he for these reasons hoped the duty would be reduced to one cent. at the time proposed, and ultimately abolished altogether.

Mr. BURGESS suggested the propriety of fixing the duty at two cents. This would be a very heavy reduction, and he thought would be sufficient for the present.

Mr. SEMMES said he would vary his motion, so as to strike out the two and a half cents, and leave the blank to be filled with two or one, as the House might decide.

Mr. INGERSOLL advocated the policy of gradual, not great and sudden reductions of duties. This was the reason why the Committee of Ways and Means reported in favor of two and a half cents, which was a reduction of one-half the present duty. This alone would probably take off a million of revenue, and, with the reduction on tea, would amount to a diminution of two millions of revenue. The best and safest policy, he argued, was a gradual reduction of duties. He feared the amendment, if pressed, would embarrass, perhaps defeat, the bill; and the agitation of the question so long before its passage had already ruined many merchants.

Mr. SEMMES had abstained from going fully into the merits of the question, when he offered his amendment, supposing that every one was ready to vote on the subject. As it was opposed, however, he would offer a few reasons, more at large, in favor of his amendment. He did so, and avowed that he had himself been in favor of a total abolition of the duty, for the reasons briefly stated above; but had yielded to the suggestions of some members who were practical merchants, and who thought the total removal of the duty might afford opportunity for frauds, &c., and he had accordingly agreed to keep on a duty of one cent. He was in favor of repealing the duty on all articles which do not come in competition with domestic productions.

The question on striking out two and a half was decided in the negative: yeas, 70—nays, 81.

Mr. TAYLOR, of New York, then moved to strike out the half cent, so as to leave the duty two cents.

This motion prevailed: yeas, 96.

Mr. SEMMES then moved to insert an amendment to reduce the duty to one cent at the expiration of a year after the duty of two cents should go into operation; and, for the first time, asked the yeas and nays. They were ordered; and

The amendment was agreed to by the following vote: yeas, 108—nays, 70.

Mr. REED, of Massachusetts, next moved to insert a clause to reduce the duty on cocoa to one cent per pound. The present duty is two cents; and [said Mr. R.] there were last year imported five million three hundred and thirty-one thousand pounds. The common price is only five cents a pound, so that the duty was a high one in proportion, and the article entered largely into the consumption of the poorer classes. He would not argue the question, but hoped the amendment would prevail.

Mr. WAYNE, of Georgia, was in favor of the amendment, for one reason in particular; that as we import cocoa principally from the South American States, the reduction of the duty would tend to increase our commercial intercourse with those countries.

The amendment was agreed to without a division.

SALT.

Mr. CONNER, of North Carolina, now renewed the motion which he had made in Committee of the Whole, modified agreeably to the proposition then also made by his colleague [Mr. BARRINGER] to reduce the duty on im-

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ported salt, first to fifteen cents, and at a stipulated period thereafter to ten cents a bushel; and he demanded the yeas and nays on the question.

Mr. BARRINGER spoke at considerable length, and with earnestness, in support of the amendment.

Mr. GORHAM was opposed to trying this often debated and long contested question of a diminution or abolition of the salt duty on this bill, which was of great importance, had been reported unanimously, and received the general assent of the House, and might be defeated if this amendment prevailed, or was again debated at large. He, therefore, for the first time in his life, moved the previous question; but withdrew it at the request of

Mr. McDUFFIE, who avowed his opposition to the salt duty as one of the most odious and oppressive features of the system by which the South was burdened; but, if the amendment were adopted, it would not only embarrass the bill, but possibly defeat it. He hoped, therefore, the motion would be withdrawn, and not force a resort to the previous question, especially as there was a bill to come up (which he named) on which the motion would be consistent and proper.

Mr. CONNER denied that the motion would embarrass or defeat the bill, because, if there was a majority for the amendment, the same majority would pass the bill. He, therefore, for this and other reasons which he stated, but could not be distinctly heard, insisted on the amendment.

Mr. McDUFFIE then moved the previous question, which was seconded by a majority of the House.

Mr. BARRINGER demanded the yeas and nays on the previous question; which were taken, and the main question was ordered: yeas, 107—nays, 75.

The main question was accordingly put, (on the engrossment of the bill,) and carried, and the bill ordered to a third reading.

ORGANIZATION OF THE ARMY.

The House resumed the consideration of the resolution calling on the Secretary of War to report a new organization of the army, with a view to a reduction of the number of officers.

Mr. TUCKER concluded his remarks. He began by saying he should not have troubled the House at this time, but for the remarks of the gentleman from New York, [Mr. TAYLOR] and for the purpose of adding a few words to what had been said by the gentleman from Tennessee, [Mr. DESHA.]

Mr. T. said, if he understood the gentleman from New York [Mr. TAYLOR] correctly, (and he believed he did, but, if he had not, he hoped the gentleman would correct him,) that gentleman said that the report of the Secretary of War was a valuable document, in as much as it proves, conclusively, that out of two thousand some odd hundreds of cadets, who had been admitted into the West Point Academy, there were only fifteen or sixteen who were sons of members of Congress; and it proved, also, that the reports against that institution were groundless. Mr. T. said, if this document proves such to be the fact, it proves that which is false. He did not charge the Secretary of War with stating any thing that he knew to be false; far from it; he believed that the Secretary had given all the information in relation to the subject that he could get; but he was of opinion this document proves that some of the officers of the institution had not done their duty: that is to say, they had not given the Secretary of War as much information in relation to this matter, as they ought to have done, or should have been able to do, at least. But [said he] there are some important facts contained in this report, which, in his judgment, made the document of great value. So, whilst the gentleman from New York [Mr. TAYLOR] believed this document valuable, to answer the purpose he seems to imagine, he [Mr. TUCKER] believed it to be valuable, to prove the reverse of what that

gentleman seemed to believe. Mr. T. said, he would ask the gentleman from New York to say whether he did or did not believe that as many as one-third of the cadets who had been admitted into this institution were sons or near relations of the characters embraced in the resolution which called on the Secretary of War for this report; and if not one-third, then to say what proportion he does believe.

[Here Mr. TAYLOR spoke in explanation.]

Mr. T. resumed his remarks, and said, if he had not understood the gentleman at first, in every particular, the gentleman's statement now is about the same in substance as he first understood it. But [said he] the gentleman from New York has been a member of Congress longer than he [Mr. T.] had, and he lived in the State where this institution is located, and ought to know more about it than he [Mr. T.] possibly could. Yet, he was bound to believe that the gentleman was grossly mistaken. Mr. T. proceeded to say, that he had made some inquiry in relation to this matter, and, so far as his inquiry extended, it was demonstrable that he could not be mistaken in his views of it. But [said he] the gentleman from New York [Mr. TAYLOR] said, this is not a matter for us to settle; that it is a subject for the people to settle; that they are the proper judges; and that, if there be any thing wrong in it, they will correct it. Mr. T. said that he did most heartily concur with the gentleman from New York, that the people are the proper judges, and that they are much safer and better judges of this matter than a few politicians who are individually interested in it; and what Mr. T. wanted, and what he believed every other gentleman opposed to this institution upon its present principle, and also opposed to the having more officers in the pay of the Government than is really necessary, want to be done, is, for the whole matter connected with this institution to be published, and for every thing in relation to it fairly and plainly presented to the people in its true colors, and for them to judge of it, and decide upon its propriety and justice. It is on the people [Mr. T. observed] that he depended for the correction of all such abuses as he believes this to be. Mr. T. said, in continuance, that although the report fell far short of giving a full and plain account of this matter, yet, in his judgment, it contained information enough to prove to the satisfaction of the people that this policy was unjust and dangerous in a republican Government; at least, the gentleman from Tennessee [Mr. DESHA] said that the cadets were educated at the public expense; and what Mr. T. wished to add, was, that they are not only educated at the public expense, but that they are also paid sixteen dollars a month and two rations a day, for obtaining their education, making three hundred and thirty-eight dollars a year that each cadet receives from the Government, in addition to their being educated at the public expense. Some gentlemen [said he] try to do away this fact, by saying that this money goes to pay for their board, clothing, and the like; but they cannot change the fact, for they do get the money, [said he] or the same thing, as if it were paid to them in their own hands, and disposed of by them as they might think proper, in as much as this money goes to pay for those things which the cadets would otherwise have to pay for out of their own pockets, and which, in his judgment, they ought to do. Mr. T. said, when this institution was first established, the whole number of cadets and officers, all together, never was to exceed twenty at any one time, and the cadets were to be instructed in the sciences which appertain to the duties of engineers, and not officers to command our armies. And what is it now come to? [said he.] The principle is changed; they are not only to discharge the duties of engineers, but they are also to command our armies; and he believed that much more than one-half of the cadets who had been admitted into this institution, so soon as they acquired sufficient education to answer their purposes,

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left it, and engaged in such profession as would best promote their private interest; either the practice of law, or the practice of medicine, or some other of the liberal professions which they believed would best promote their own interest. Those young gentlemen might acquire all the education necessary for them to have, in their own States, and at their own expense, and for which the Government now pays, besides paying them for getting it. There is another objection that he [Mr. T.] had to this institution, and that is, [said he] those young gentlemen are selected by the Secretary of War, or rather by the President of the United States, who has the controlling power over it, and who can have but little or no opportunity to know any thing about the talents and qualifications of the applicants, only from such information as they can get from other sources, and which, he believed, was generally received from members of Congress; and, as to their choice, [said he] human nature teaches us whom they will select. Mr. T. believed this principle to be anti-republican.

[Here he took up the report of the Secretary of War, and quoted from it the number of cadets that had been admitted into the institution, and the number who had withdrawn or were dismissed from it, in each year, from its first establishment.]

He then resumed, and, in the course of his remarks, said, that he thought the gentleman from New York [Mr. TAYLOR] had no cause of complaint about the number of cadets received into the academy from his State; he discovered, on examining this report, that there were as many as forty admitted in one year from that State, and he believed, by examining this document throughout, that it would be found that New York had her full proportion at least. [Mr. TAYLOR here explained.] Mr. TUCKER said, he thanked the gentleman from New York to correct him whenever he found him wrong in his statements, as he did not wish to misrepresent any gentleman at any time. But [said he] the statement that the gentleman now makes, does not affect the view that he had of this matter. His principal object in examining this report, at this time, was to show the large proportion of the cadets who were educated at this institution, and who are paid by the Government to get their education, and who have left it at their pleasure, and engaged in such professional pursuits as they believed would promote their private interests.

But [said Mr. T.] I have another serious objection to this institution, on its present plan, at least. I am opposed to having a privileged order of men in our country. There is no man [said he] that, under the present system, is to be appointed in our armies, but those who are educated at the Military Academy. They are to be appointed to command, to the exclusion of all other persons. There are [said he] thousands of other men equally meritorious, equally as well qualified to command, as those young gentlemen who are educated at that institution. Mr. T. said that all the education which is essentially necessary to qualify men to command in time of the greatest peril and danger, can be attained by those who are disposed to get it in their own States, and at their own expense; and in that way, [said Mr. T.] we should have the most efficient and best officers. He said, all the education that young gentlemen can get at the Military Academy, more than is to be acquired by them elsewhere, at their own expense, will never give them additional bravery or stronger nerve. Mr. T. said, it is sound judgment, strong nerve, and inflexible courage, that constitute the essential qualifications for commanding officers. If we will only reflect on the history of our own country, [said Mr. T.] he thought no man could say, but what the most glorious victories that ever have been achieved in our country, and, he believed, in any country, had been gained under the command of officers who never had any military education. In our revolutionary struggle, when we were fight-

ing for liberty, under all the embarrassments and disadvantages that a nation could be placed in, our liberty was gained, all the glorious victories were achieved, under the command of officers who never had any military education whatsoever; that he had heard of our officers and soldiers fighting bravely and conquering nobly; and will not the history of our last war show conclusively that all the most glorious victories were achieved under the command of officers who, likewise, never had any military education? We had one officer in command, he believed, through the whole of the war, high in command; and great confidence and reliance were placed on him, on account of his military qualifications, which he had acquired at the Military Academy in France. And what did he do? What victory was gained under his command? Not one [said he] that he had ever heard of, nor had he ever heard that that officer was in one single engagement during the whole war. The officer he alluded to, was General Izard. Mr. T. said, now compare the services of this officer with the services of the officer who commanded at New Orleans and elsewhere. He said, the commanding officer at New Orleans never had had a military education, and a more glorious victory never had been achieved in this or any other country, than that of New Orleans. There never had been more skill and bravery manifested by any officers and soldiers, than there was by the commanding officer, and the officers and soldiers under his command, at New Orleans; and where will you find an officer in our army, or any other, who has had a military education, and who has exhibited greater skill and bravery, than General Brown, and his officers and soldiers? He believed that there was not one officer under the command of General Brown, who had had a military education; if there were, he had never heard of it; and as for that officer himself, [said Mr. T.] he had been informed he had never received any military education, and but a very limited education of any kind.

Mr. T. said, in addition to all other objections that he had stated against the principles of this institution, he had another, not less objectionable than those that he had before mentioned; and that is, [said he] it is the main prop to this deceptive name called the American system. Indeed, [said he] it is a part of the system itself: it is a delightful name, it is true; and, so far as the name can have any influence, it is well calculated to delude the people, and blind their understanding; and he supposed that that was the reason why the leaders of this unconstitutional and oppressive policy (as he believed it to be) gave it the name of the American system. Mr. T. said, if gentlemen are disposed to keep up this institution, so as to have a certain class of young gentlemen educated, and also paid for getting their education, at the expense of the Government, and then return home, and engage in such professions as they believe will best promote their private interests; and, also, a further privileged order of men in our country, to command our armies in time of peace and war, with nearly an army of cadets, as officers in the pay of Government in time of peace; and, also, a corps of engineers, sufficient to survey all the paths, roads, rivers, creeks, and branches in the United States, as a means to deceive the people, to blind their understanding, and in this way get them to embrace this deceptive American system, with the vain and delusive idea that they are not only to have the public money distributed among them, but that all their watercourses are to be made navigable, their paths and highways made smooth and firm; that all their produce is to be sent to market, and every other facility afforded them that vain hope can imagine; and all this they can call national, because they say it will facilitate the transmission of the mail, or the transportation of our armies and munitions of war, or regulate commerce and the like; so that every thing [said Mr. T.] that can be called by the name national, is then to be national—all is to be

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constitutional; the will of a majority of Congress is to be the law of the land, without bounds or limitation. He said, that the engineers had made two or three surveys through South Carolina, on different routes, for the construction of this great national road to New Orleans; and he had been credibly informed that they held out the idea to the people on each route, that that was either the nearest or the best route, or some other remarks, so as to induce the people to believe that there was some prospect, at least, that the road might be made on that route; and he had no doubt but that it had been the case wherever surveys had been made, and would still continue to be the case.

In conclusion, Mr. T. said, that when he left this place next session, at furthest, it would be no more to return: he should then quit public business, and retire to private life: that Congress would not be troubled with any remarks or vote of his after that period, at furthest; but, [said Mr. T.] when I do verily believe from my soul, if this policy is not abandoned, but persisted in, that it will shortly end in the destruction of the liberty, peace, and happiness of the American people, that he could not, and would not, forbear to declare it as his most solemn opinion. [Here the debate closed for this day.]

WEDNESDAY, APRIL 21, 1830.

The House resumed the consideration of the resolution calling on the Secretary of War to report a new organization of the army, embracing a reduction of the number of officers; when

Mr. DRAYTON spoke in continuation of his remarks of yesterday. His main object was to show that disciplined troops are greatly superior to undisciplined soldiers. He continued until the expiration of the hour.

JUDGE PECK.

On motion of Mr. BUCHANAN, the House resolved itself into Committee of the Whole on the state of the Union, Mr. MARTIN in the chair.

Mr. PETTIS moved that the committee take up the bill to amend an act in alteration of acts imposing duties on imports.

Mr. BUCHANAN moved to take the report of the Committee on the Judiciary on the case of Judge Peck.

The motion of Mr. PETTIS was negatived: yeas, 61—nays, 75.

The committee then took up the report of the Judiciary Committee on the case of Judge Peck.

Mr. BUCHANAN addressed the committee for about an hour, in explanation and defence of the report of the committee; and to sustain the resolution for impeaching.

Mr. CLAY, of Alabama, opposed the resolution, and defended the Judge.

Mr. SPENCER, of New York, spoke in support of the resolution.

The committee then rose.

THURSDAY, APRIL 22, 1830.

THE ARMY.

The House resumed the resolution relative to a reduction of the officers of the army.

Mr. DRAYTON continued his remarks on the subject, without having concluded, when the hour expired.

JUDGE PECK.

The House went again into Committee of the Whole, Mr. WILDE in the chair, and resumed the consideration of the case of Judge Peck.

Mr. DODDRIDGE, of Virginia, submitted at length his reasons for deeming the impeachment just and proper.

Mr. STORRS, of New York, also spoke for some time

in support of the resolution, and in favor of the impeachment.

Mr. BELL, of Tennessee, followed at considerable length in opposition to the resolution, and in defence of the Judge.

Mr. McDUFFIE then moved that the committee rise, and report the resolution to the House, stating that his own mind was made up on the question, and that he was ready to vote on it.

Mr. PETTIS expressed a wish to deliver his sentiments on the resolution, and therefore hoped that the committee would ask leave to sit again; and

Mr. TAYLOR suggesting that as Mr. P. was the sole Representative from Missouri, courtesy required that he should be allowed an opportunity of delivering his opinions on the subject—

Mr. McDUFFIE withdrew his motion; when,

On motion of Mr. PETTIS, the committee rose, reported progress, and obtained leave to sit again.

FRIDAY, APRIL 23, 1830.

THE ARMY.

The House resumed the resolution proposing a reduction of the officers of the army.

Mr. DRAYTON addressed the House nearly an hour in conclusion of his remarks.

[They were to the following effect:]

Mr. D. said, that, in the remarks which he submitted when the resolution was first considered, he said that he should vote for its adoption, as he regarded it to be a mere inquiry for information, which every member was entitled to make. My colleague upon the Military Committee, [Mr. DESHA] who reported the resolution, will recollect [said Mr. D.] that I expressed this opinion in the committee, adding that I had not given particular attention to the subject, which was important, and required investigation; but that my impressions were, that the number of our military officers could not be reduced without injury to the public service. Having made these explanations to avoid being misunderstood, had the debate been confined within its proper limits, I should not again have addressed the House. But, under this resolution, a wide and unexpected discussion has been entered into, in the course of which it has been contended by several members: first, that a standing army, in time of peace, being expensive and useless, it ought to be disbanded; and, if not disbanded, that it should be reduced in number. Secondly, that, admitting the expediency of the standing army, the number of officers ought to be reduced, as it is disproportionately large, in comparison with the number of soldiers; and, thirdly, that, however these questions might be disposed of, the Military Academy at West Point ought to be abolished. During the progress of this debate, I have examined into the subject involved in it; and having arrived at conclusions utterly at variance with the propositions which I have just stated, I shall offer to the House the reasons upon which my conclusions are founded, and reply to the arguments of those from whom I differ in opinion.

First. That a standing army, in time of peace, being expensive and useless, it ought to be disbanded; and, if not disbanded, that its numbers ought to be reduced.

To conduct the operations of war, requires the union of science and art. The one prescribes the principles and rules, which the latter reduces to practice. This combination of theory and practice has usually been termed the art of war; the progress of which has kept pace with the lights and improvements of the age. If, therefore, we would maintain an equality with those nations with which we may be involved in hostilities, it is necessary that our knowledge of the art of war should not be inferior to that which they possess. This could not be effected were we deprived of the means of obtaining this knowledge, which

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must be furnished either by a military academy or a standing army. Destitute of these establishments, the art of war would soon be unknown in the United States. All will admit that the physician, the lawyer, and the artisan cannot be versed in the principles and the practice of their several vocations without study and experience. Upon what ground, then, can it be contended that the same reasoning does not apply to military knowledge, which requires a greater extent and variety of science and attainments than any of the learned or mechanical pursuits? It has been said that this science is of no service: that officers can lead, and soldiers can fight, as well without it. Whoever will take the trouble to examine into military details, both in ancient and modern history, will be satisfied of the error of this opinion. [Here Mr. D. detailed the particulars of the conduct and evolutions of Hannibal, in Italy; of Caesar, in Gaul; of the Duke of Marlborough, in the war of the succession of Frederick the Great, in the seven years' war; of Bonaparte, in his battles with the Austrians; and of the Duke of Wellington, in Portugal and Spain.] These examples illustrate, more forcibly than any arguments which I could urge, that skill and discipline are an overmatch for valor and numbers. At one period the most renowned and successful troops in Europe were the Spanish—afterwards the Swedish—then the French—then the allies under Marlborough and Eugene—then the Prussians, &c. When this military pre-eminence was respectively claimed and allowed, it was exclusively attributable to the skill of the officers, and to the discipline of the soldiers. In the commencement of the revolutionary war, General Washington, great as were his talents for command, did not lead the armies under him to victory. It was not until after the arrival of Baron Steuben, appointed Inspector General, that a system of tactics and instruction was introduced among the officers and men, which rendered them competent to meet and to vanquish a disciplined enemy.

I know that it is the habit, both in this House and out of it, to assert that the militia are, in all respects, equal to regulars. I know that it is popular to advance, and unpopular to controvert, this assertion; and yet it is irreconcilable with reason and experience. Is it not notorious that battles are gained by communicating to large bodies the facility of executing combined, and, frequently, complicated movements, with celerity and precision; that inferior numbers are often victorious by the skillful selection of positions, and by judicious manœuvres; that, by these means, a comparatively small army may be directed, with superior force, against the weak points of the enemy, and thus beat him in detail? To effect these results, the officer must have learned his duties, and the soldier must be carefully and laboriously trained. Have the militia these advantages? In pronouncing them not to be equal to regular troops, I say no more than that those who have not acquired a difficult art, cannot be so competent to practise it as those who have devoted to it their labor and time. Our militia are citizens of the same country—they are endowed with the same moral and physical powers as the regular soldiers, but they want tactical knowledge and discipline, without which an army is comparatively feeble. My colleague [Mr. TUCKER] has eulogized, and justly eulogized, Marion, and Pickens, and Sumpter, and Hampton, and Butler, and Williams, officers of militia in South Carolina, who were conspicuous in the revolutionary war. I entirely concur with him in all that he has uttered in their praise. He would not be more unwilling than myself to tarnish their well earned laurels. But South Carolina was rescued from the military grasp of Great Britain by continental regiments, led by General Greene. With them the militia of the State, and many of the officers whom my colleague has named, co-operated bravely. Militia, acting with regulars, have, upon various occasions, obtained deserved reputation; but I recollect no instance in which

they have alone defeated an equal number of disciplined troops in the open field. The affairs at and near New Orleans, among the most brilliant in the annals of history, have repeatedly been cited as proofs that there is no superiority in the regular over the militia soldier. Upon these occasions, the steadiness and courage of the militia could not be surpassed. But it must not be forgotten, that, when they defended New Orleans, they were behind intrenchments, and that the action of the 23d December was fought in the night: that in neither of these situations could the manœuvres of the field be practised. It must also be remembered, that the marines and United States' artillery and infantry constituted nearly one-third of those who were engaged on the 23d of December and on the 8th of January. After the defeat of the enemy, the force with General Jackson, including the militia, in the rear of the lines of New Orleans, was nearly equal to that of the British survivors. Would they have been suffered to retreat unassailed to their shipping, had the troops under so great a commander as General Jackson been regularly disciplined? No, sir, with such troops, flushed with recent victory, and with such a leader at their head, the enemy could hardly have escaped capture or destruction.

Because a few individuals not educated for the profession of arms have been eminently distinguished in the field, it has been inferred, by some gentlemen, that military science and experience were useless. These are exceptions to general rules. The mass of mankind stand in need of instruction and practice to render them competent to discharge the functions of subordinate officers. Even those extraordinary personages who have been referred to, whom nature endowed with the capacity to conceive, and the judgment to direct, great military exploits, would be devoid of the species of knowledge which would enable them to discipline an army, to give to it that mechanical skill in the execution of rapid, combined, and complex movements, which are so essential. Generals Washington and Brown were strongly impressed with the expediency of maintaining a small standing army in time of peace. General Jackson, judging from his message to both Houses of Congress, as well as from other authentic sources of information, entertains the same opinion. It might as reasonably be argued that arithmetic and mathematics were useless, because Zerah Colburn and Brinsley had never learned them, as that no advantage is to be derived from a knowledge of the art of war, because a few splendid examples could be adduced of consummate generals, whose genius rose above the ordinary means by which military skill is obtained.

To determine whether our army be too large, we must advert to the purposes for which it has been raised. These are, to garrison our forts along the Atlantic coast; to occupy certain commanding posts upon our inland frontier; to restrain the inroads of neighboring savages; to punish their aggressions, and thus to protect our thinly populated settlements; and to preserve military skill, which cannot subsist without the proper subject upon which it is to be exercised.

The extent of a line drawn around the United States and their territories, excluding the indentations of coasts, &c. may, I believe, be estimated at between eight and nine thousand miles. We have now forty-two military posts and seventeen ordnance depots, (together fifty-nine,) so that our army, consisting of five thousand four hundred and thirty non-commissioned officers and privates, would give to each post and depot no more than ninety rank and file. In this enumeration I have made no allowance for the occupation of several forts nearly finished, and of others not commenced, which it is intended shall be erected. Deductions must, also, occasionally, be made from our garrisons. Two detachments, each of four companies, have recently been upon duty—one to protect the western traders to Santa Fe; the other to repel an attack which was

threatened by the Pawnees and Camanches. Whoever will take all these circumstances into consideration, will, I think, be satisfied that our military peace establishment is not upon too large a scale for the public exigencies. Scattered as our army is over so wide a region, the opportunities can be but rare for the practice of any course of tactics, beyond that which applies to the company or the battalion. Shortly after the commencement of Mr. Jefferson's administration, in March, 1802, a period of profound peace, unmingled with any apprehensions of war, the military peace establishment of the United States consisted of three thousand three hundred and twenty-three rank and file. Our population was then about one-half what it is now, our revenue was in the same proportion, and our national debt was greater by thirty millions of dollars than it will be on the first of January next. In 1802, neither Louisiana nor Florida had been ceded to the United States, and the number of our military posts was only twenty-six; to each of which, three thousand three hundred and twenty-three rank and file would afford a garrison of one hundred and thirty. Upon a comparison, therefore, of our relative situation in 1802 and 1830, it is evident that the number of our standing army was, relatively, greater in the early part of the pacific administration of Mr. Jefferson, than it is at the present day.

Secondly. That, admitting the expediency of the standing army now existing, the number of the officers ought to be reduced, as it is disproportionately large, in comparison with the number of soldiers.

My colleague upon the Military Committee, [Mr. DEXTER] has told us that we have an officer for every seven men and a fraction. He includes in this enumeration the officers of the line and of the staff, and also the cadets at the Military Academy; but, as neither the cadets nor the staff have any command over the soldiers, his deductions are manifestly erroneous. The cadets are stationary at West Point, where they are engaged in the prosecution of those studies and exercises which are to qualify them to enter the army. The duties of the staff do not connect them otherwise than collaterally with the troops. Their formation is founded upon the principle of the division of labor, by which the functions of the general and the officers of the line are so simplified as to be confined to the objects for which they are intended—to watch the movements of the enemy—to attack him, and to resist his attacks. If the general and the officers of the line were obliged to procure whatever was requisite for the materiel and personnel of an army—to take care of the sick and wounded—to obtain the necessary supplies of food, clothing, arms, tents, grain, fuel, &c.—to provide for their transportation, and of whatever might be needful in camp, in garrison, upon marches, or in the field, they would be so overwhelmed with the variety and multitude of their employments, as to be unable to attend to their proper duties. Of all the component parts of the military system, the staff is the most difficult to organize. It is the best, in all armies, which attains regularity and efficiency. Its officers should be skilful, intelligent, and practised in their complicate duties, which they must learn in time of peace. Without a well arranged staff, the operations of an army are exposed perpetually to delay, and are often altogether obstructed. It is notorious that one of the principal causes of our disasters in the two first years of the late war, was the want of an efficient staff.

As far as I have understood, no one contemplates a reduction in the department of the staff. Bills, reported by the Military Committee, are now upon the calendar, for the increase of some of them; and when those bills come before the House, I trust that I shall satisfy its members that, by their passage, the efficiency of the particular departments referred to will be essentially promoted, whilst annual expenditures upon them will be considerably diminished.

Having made these observations, to show the distinction

which ought to be kept in view when we speak of the proportion between the rank and file, and the officers attached to and commanding them, I will proceed to state what that proportion really is.

In the army, as now established, the officers of the line, including general, regimental, and company officers, amount to 448

The officers attached to companies, viz. captains and subalterns, are 412

The officers detailed for staff duties, with two or three exceptions, are taken from the companies, and the number of them thus employed, according to the Army Register, is 142

Leaving 270

company officers.

The number of the rank and file being five thousand four hundred and thirty, to each company officer there will be about twenty men. Upon a war establishment, when the company consists of four commissioned officers to one hundred rank and file, the ratio of men to each officer would only be increased by five. Independently of the advantages resulting from the officers of the line being instructed in the duties of the staff, which they are frequently called upon to perform, in active service, were they not detailed from the line, the staff department must be greatly augmented. For the two Departments of the Quartermaster and of the Commissary General of Subsistence alone, seventy officers are taken from the line. In my estimate of the deductions from the line, I have not included any officers who are members of, and witnesses before, courts martial, nor those who are upon the recruiting service, nor the sick, nor absentees upon furlough. Taking all deductions into consideration, it will, I think, be apparent that it would be injurious to reduce the number of our officers. It is certainly desirable that our officers should be more numerous upon a peace than upon a war establishment. This was contemplated, and has been partially executed, under the act of 3d March, 1821. A leading object, in a military peace establishment, is to create and preserve a body of officers, well instructed in every branch of their duties, consisting of such a number as to admit of a distribution of them among the recruits who would be raised in the event of war. Were our present force of six thousand men broken into small divisions of ten privates, with two good non-commissioned officers and one experienced commissioned officer, to each of these divisions might be added forty recruits, who would soon be regularly trained and disciplined. Our army of six thousand men would thus promptly be converted into one of thirty thousand, prepared to meet any enemy. More time and study are requisite to form the officer than the soldier. With skilful and experienced officers, recruits are soon rendered efficient; without them, military knowledge is slowly obtained, and, during its acquisition, the blood and the treasure of the country would be uselessly lavished: for, in proportion to the want of organization and discipline, must, in war, be the loss of life, and the increase of our military expenditures.

Thirdly. That the Military Academy at West Point ought to be abolished.

The substance of the numerous objections which have been made to the Military Academy may be thus summed up: That the cadets are principally selected from the sons of the rich and influential; that many of those who are received into the academy never graduate, and many who do, abandon the army and follow civil professions; that the officers of the army are taken altogether from the cadets, to the injurious exclusion of citizens of merit and talents; that the cadets are maintained out of the public funds, instead of their own resources; that the abuses connected with, or practised at, the academy, can only be remedied by abolishing the institution; and, if the abuses complained

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of did not exist, that the instruction given to the cadets does not qualify them to discharge the duties of military officers.

Before replying to these objections, I will remark, that the Military Academy owes its origin to the act of Congress of 16th March, 1802, when Mr. Jefferson was President, authorizing the appointment of ten cadets "to be stationed with the corps of engineers at West Point, to constitute a military academy." Before the end of Mr. Jefferson's administration, in one year, (1808,) forty cadets were appointed to the academy. I state these facts, because I presume that no one will attribute to Mr. Jefferson the disposition to encourage what has been termed "an expensive, useless, and aristocratic military institution." From the time of Mr. Jefferson, the academy has been approved of by every President, including Gen. Jackson, who has recommended it to the "fostering care of Congress, as one of our safest means of national defence, and as having the happiest influence upon the moral and intellectual character of the army." He adds, that "their knowledge" (that of the graduates) "of the military art will be advantageously employed in the militia service, and, in a measure, secure to that class of troops the advantages which, in this respect, belong to standing armies."

I will now proceed to the examination of the objections which I have stated. That the cadets are principally selected from the sons of the rich and influential, is an assertion unsupported by the semblance of proof. From the official information which has repeatedly been communicated to this House, we learn that the reverse is the fact; that more appointments are conferred upon the relatives of the poor and undistinguished, than of the rich and influential; although some among the wealthy are also chosen, it being unjust, and contrary to the spirit of our Government, to exclude any class of our citizens from the enjoyment of equal rights. This mingling together of the poor and the rich, and subjecting them to the same rules and regulations, cannot be a grievance. The rich ought no more to be proscribed than the poor. According to the prevailing practice, neither are proscribed; both are indiscriminately admitted, with a preference, nevertheless, to those whose circumstances are narrow. That many of those who are received into the academy never graduate, and that many who do, abandon the army for civil professions, is unquestionably true; but by far the largest proportion of those who retire without graduating, are, in fact, dismissed, from want of capacity or industry, or other causes. This can, surely, afford no ground for censure. It is not desirable that the immoral, the dull, or the idle should be retained, to be a burden upon the institution, useless as relates to themselves, and exhibiting bad examples to their associates. Those who, after graduating, do not continue in the army, have gained that military knowledge which renders them valuable militia officers, and that general knowledge which renders them useful in a variety of civil professions, particularly in those which require mathematical science. The labor and expense which have been bestowed upon them is, therefore, not lost to the country. But, as I am not disposed to defend any system, right or wrong, I admit, as the academy is intended for the instruction of military officers, that no one ought to enter it, unless he purposed making the army his profession. According to the regulations, the graduate is at liberty to leave the army, after having served in it one year. In doing so, he violates no contract, express or implied. Considering, however, this practice, which is frequent, to be a departure from the leading object of the institution, I would be willing that it should be prevented, provided a remedy could be devised which would not introduce a greater evil in its room. To require that the graduate should always be attached to the army, would be harsh, and would be an assumption of power over the freedom of action, inconsistent with the genius of a republican

Government; nor would it be politic to oblige an officer, against his inclinations, to remain in the service. Thus compelled, he would be little likely to acquire reputation for himself, or to do credit to his country. Upon looking at the report, which, under a resolution of this House, has been sent to us by the Secretary of War, it will be seen that the number of the graduates who do not join the army is less than would have been inferred from the remarks which have been made upon this floor. The whole number of the graduates is five hundred and ninety-one of whom four hundred and twenty-three continued in the army.

Those who make it a subject of complaint, that officers are exclusively selected from the cadets, must have forgotten that the cadets are officers. When commissioned as second lieutenants, they are regularly promoted. To prevent their promotion, by substituting for them citizens in civil life, would be as unjust as, in the same manner, to supply a vacancy in the line by putting one who had never been in the army over the head of an officer who, according to the existing regulations, was entitled to the vacant office. Before an applicant can be admitted at the academy, he must be well recommended by respectable persons. He then undergoes a probation of six months. If, during that time, he conducts himself with propriety, a warrant is delivered to him; but if, at any subsequent period, before he graduates, he manifests a want of morals, or capacity, or application, he is discharged. With these precautions, is it not more probable that he will perform his duties ably and faithfully, than a citizen whose fitness for the army has never been tested? I can see no better mode of ensuring a body of good officers, than by the practice which now prevails. Commissions are not given until it has been ascertained, by experiment, that the necessary qualifications for them are possessed by those upon whom they are conferred.

The objection, that cadets are maintained out of the public funds, ceases to have any weight, when it is recollected that they are officers in the service of the Government, and liable, at any time, to be ordered to perform the duties of their profession. They are as much entitled to compensation as any other officers of the United States, civil or military. If the cadets at West Point defrayed their own expenses, as several gentlemen insist they ought to do, the very evil would result which is so loudly complained of, that the institution was exclusively for the wealthy. It might then be correctly alleged that the Federal Government was fostering a distinct class, and enlisting on its side the aristocracy of the nation. Organized as the academy now is, the avenue to it is as open to the poor as to the rich. It is the only place of public instruction in the Union, into which admittance cannot be gained by the means of wealth.

If any abuses exist connected with the general administration or the particular superintendence of the academy, they ought to be inquired into and corrected. If, upon investigation, they should be found to be radical, and of such a nature as to render it inexpedient that the institution should be continued, let it be abolished. I speak under the authority of its superintendent, when I declare thus publicly that he invites the most rigid scrutiny into his conduct. It would be peculiarly gratifying to him that all the regulations and detail which he directs should be submitted to the strictest inquisition, and exposed to the public eye. I do admit that, in my opinion, some abuses have prevailed in the exercise of the patronage of the academy, which are set forth in the report of the Secretary of War. By looking at the sixty-eighth page of that document, it will be seen that four foreigners were received into the academy, of whom one defrayed his expenses, the other three being paid as cadets. This institution being intended solely for the education of our officers, to place at it foreigners, who owed allegiance to their own Governments, was unauthorized and illegal. A degree

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Judge Peck.

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of favoritism has also been shown towards the District of Columbia, which is entitled to equal, though not to greater, rights than other parts of the Union. And yet it appears, from the document which I have just referred to, that appointments of cadets from that District have been as follows: In 1829, four cadets; in each of the years 1828, 1827, 1826, and 1825, three; in 1815, nine; and in 1814, eight. This disproportionate number of appointments, as compared with the population of the District, is partial, and, therefore, unjust. It is not probable that either of these departures from the principles which ought to be observed in the administration of this institution will be repeated. Should Congress deem it necessary, they may guard against a repetition of them by passing a law for the purpose.

I did not expect to hear it asserted by any one, however strong might be his prejudices against the academy at West Point, that the instruction there communicated to the cadets did not qualify them for their profession. Let me state to the House in what that instruction consists. It comprehends the theory and the practice of the art of war, in all its branches. To the acquisition of the sciences requisite to constitute the accomplished officer, from nine to ten hours are laboriously devoted for six days in the week, during ten months in every year. The practical military instructions, which I quote from page 376 of "The General Regulations of the Army," are as follows: "First year, school of the soldier—guard and police duties of privates. Second year, school of the company—duties of corporals. Third year, school of the battalion—duties of sergeants—exercise and manoeuvres of artillery pieces. Fourth year, evolutions of the line—duties of orderly sergeants and commissioned officers, (including those of the battalion staff,) and of officers of the day—remainder of the instruction in artillery—the sword exercise—practical military instruction throughout the year. Field exercises only will be limited between 1st April and 1st November following. There will be an encampment of the cadets annually, commencing on the 1st of July, and ending on the 31st of August ensuing, during which the instruction will be exclusively military." In order to ascertain the improvement and proficiency of the cadets, they are carefully examined, semi-annually, by the Academic Board; and once a year they undergo a strict examination in public, before the Professors, and a Board of Visitors, selected by the War Department, from various sections of the Union.

With a knowledge of the facts which I have detailed, relating to the instruction and discipline at West Point, no one can doubt the competence of the graduates to discharge all the duties of a soldier. Without a knowledge of facts, no one ought to hazard criticism or censure. Having submitted the grounds and reasons upon which I rely, in opposition to the arguments principally insisted upon by those who advocate the disbanding or reduction of our army, the diminution of the number of its officers, and the abolition of the Military Academy, I will take up the time of the House no longer than to notice, briefly, one or two observations introduced into this discussion, which I have not hitherto commented upon. It has been asked, why should we rely upon a standing army in time of peace, to garrison our forts, and to protect our frontiers from Indian depredations, in preference to the militia of the country? Have gentlemen, making this inquiry, reflected upon the hardship which would be imposed upon our citizens, accustomed to the ease and comforts of civil life, by withdrawing them for periods of three or six months from their ordinary occupations, and subjecting them to the strictness of discipline, the restraints of martial law, and all the privations which the soldier encounters? Would they not feel these hardships and privations to be oppressive and intolerable? The experience of two wars has taught us that the employment of militia is more expensive than that of regular troops; that larger num-

bers of them are necessary to accomplish the same objects; that it requires a longer time than they usually serve, to render them perfectly acquainted with their duties; and that the mere change in their diet and habits occasions sickness among them, and consigns one-half of them to the hospitals. If these are the consequences, personal and national, resulting from the substitution of militia for regulars, why should they be substituted? Because, say gentlemen, a standing army is dangerous to our liberties. It is scarcely possible to conceive that an argument like this can be seriously relied upon. To the maintenance of a large regular army, when we are not at war, I am as decidedly opposed as any individual upon this floor; but, with a population of twelve millions of inhabitants, with a militia brave and expert in the use of firearms, amounting to fourteen or fifteen hundred thousand, can our liberties be affected by a standing army of six thousand men? Sir, when the day shall arrive that the liberty of this nation can be endangered by six thousand, or by ten times six thousand men, it could not be secured by any human means. Before such a force could accomplish the destruction of our liberty, we must ourselves have become utterly regardless of its preservation.

[Here the debate closed for this day.]

JUDGE PECK.

The House then went into Committee of the Whole, Mr. WILDE in the chair, on the case of Judge Peck.

Mr. PETTIS having addressed the committee in defence of the Judge, and against the proposed impeachment,

Mr. EVERETT made a few observations. He could not bring his mind to the conclusion that Judge Peck ought to be impeached; and, therefore, he could not vote for the resolution. At the same time, he could not admit that Judge Peck's conduct had been free from blame. He, therefore, wished the resolution to be so amended as that he could vote for it. He referred to an opinion which he had hastily made while the Clerk was reading the defence of Judge Peck, that the Judge would have done better, had he rested his case with the report of the Judiciary Committee. He now, after a perusal of the defence, revoked that opinion. He thought the Judge had done well; and that the House, on a careful perusal of the defence, would admit that he had done well. He considered the defence as one of the most able papers laid before Congress for years. He said, he had looked in vain in the evidence for proof of evil intent. On the contrary, there was proof of the general good intentions and mildness of the Judge. He could not, therefore, punish with severity his first offence. He is already punished sufficiently by these proceedings. He moved to amend the resolution by striking out all after the word "Resolved," and inserting as follows:

That though, on the evidence now before it, this House does not approve of the conduct of James H. Peck, judge of the district court of the United States for the district of Missouri, in his proceeding by attachment against Luke E. Lawless, for alleged contempt of the said court; yet there is not sufficient evidence of evil intent, to authorize the House to impeach the said judge of high misdemeanors in office.

Mr. STORRS, of New York, said he could not vote for this resolution, because it contemplated a final action on the case by this House. He deprecated such a course, as affording a mischievous precedent. He expressed his regret that the gentleman from Massachusetts had made an appeal to the sympathy of the House, in a case where sympathy should be kept out of sight. He was opposed to any thing which would compound this matter. He referred to the feelings with which he had himself entered on the examination of this case, and the strong disinclination which he felt to produce an impeachment. But he had gone into it, and he had a high and solemn duty to perform, which precluded sympathy. As to the oppor-

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tunity given by the Judge to Mr. Lawless to purge himself of the contempt, he [Mr. S.] considered that it was insulting, after a violation of the personal rights of Mr. Lawless, and the usurpation of a jurisdiction which the Judge did not possess. He admitted that to have stricken the attorney from the rolls of his court, might not have subjected the Judge to censure; but it was the violation of that personal liberty, secured by the constitution, the imprisonment of Mr. Lawless in the felon's room, which justified impeachment.

Mr. BURGESS moved to amend the amendment, by prefixing to it a modification in substance, stating, that although the House might not, if called on, altogether approve the conduct of Judge Peck, yet that, perceiving no evidence of ill intent, &c. the House would not sanction an impeachment.

Mr. EVERETT (Mr. BURGESS having withdrawn his amendment) modified his resolution so as to meet the views of the gentleman, slightly changing the phraseology.

Mr. BURGESS moved that the committee now rise, which was negatived: yeas, 70—nays, 76.

Mr. ELLSWORTH then occupied the attention of the committee in support of the resolution. He, as a member of the Judiciary Committee, had given the subject full examination, and had come to the opinion that this impeachment should take place. He saw nothing in the publication of Mr. Lawless which ought to have drawn down the punishment inflicted by this judge. It was an arbitrary proceeding, and he considered it to be the duty of the House to impeach the Judge.

Mr. HUNTINGTON then made some remarks in favor of the Judge. Before he had concluded,

Mr. VANCE moved that the committee rise: yeas, 64—nays, 77.

Mr. HUNTINGTON then continued his remarks.

Mr. BURGESS commenced some remarks against the impeachment.

Mr. MILLER moved that the committee rise, it being between six and seven o'clock: yeas, 63—nays, 61.

The committee then rose, and reported progress.

SATURDAY, APRIL 24, 1830.

ORGANIZATION OF THE ARMY.

The House then resumed the consideration of the resolution calling on the Secretary of War to report a new organization of the army, embracing a reduction of the officers.

Mr. CAVE JOHNSON said, it is to be regretted that the gentlemen who are opposed to the adoption of the resolution now under consideration, have thought it necessary to indulge in such a latitude of debate, and urge upon the consideration of the House questions of great importance to the country, upon a mere resolution of inquiry. These things would have been more properly the subject of debate upon some future occasion, when some specific proposition should be submitted to the House for the reduction of the army. I am sure it was not anticipated, either by my colleague, [Mr. DESHA] who introduced the original resolution to the House, or by the Military Committee, who reported the one now under discussion; but if gentlemen will press upon the House a premature discussion of these important questions, it becomes the friends of the resolution to meet and answer them in the best way they can.

The object of the resolution was to direct the attention of the House to the disproportion existing in the present organization of the military peace establishment between the number of officers and the privates retained in the service of the United States, and the consequent increased expenditure of the public money. This was referred to the Military Committee, who reported to the House the resolution now on your table, merely referring

its consideration to the Secretary of War, and asking of him the best mode of effecting this object, if it could be done without injury to the public service; acting upon the belief that so much of the present session had elapsed, as to preclude the possibility of acting finally upon a question of so much importance to the nation at this time, and that such additional information might be given to this House as would enable them to act more efficiently, and with less danger to the service of the country, at some future period.

To this reference I did not expect an objection would have been made, after the avowal made by the chairman of the Military Committee, that the adoption of the resolution would not be considered as the expression of an opinion by the House, that any reduction could be made, with propriety, of the number of officers now in the public service, and least of all did I expect an objection from the chairman himself, who reported, and then advocated, and now avows his determination to vote for the resolution; and it seems to me somewhat strange that the gentleman from South Carolina should have thought it necessary to occupy so much of the time of the House, four successive mornings, in attempting to prove that there was no necessity for the reduction of the number of officers or men at present in the service of the United States, and to convince this House that the resolution reported by the gentleman himself, as the chairman of the Military Committee, and for which he intends to vote, ought not to be supported by any other member of this House. If it be true, sir, that this disproportion does not exist, it certainly follows that the consideration or adoption of the present resolution is wholly useless.

There is a great difference between the chairman of the Military Committee and my colleague in the calculations presented by them to the House as to the actual number of officers in the army, or those who ought to be so estimated. The one estimates alone the commissioned officers, or gentlemen who wear the sword and are in actual command, and only makes one officer for every twenty or twenty-five men; the other estimates, also, the non-commissioned officers and staff officers connected with the peace establishment, and thus makes one officer for every seven or eight men. Each is probably correct, according to the respective dates assumed by them, and each falls short of the actual disproportion existing between the common soldiers and other individuals connected with the army, who are, I presume, esteemed above the grade of the common soldiers. I take, sir, a different view of this subject from either of the gentlemen, and which will probably show the true disproportion existing in our army between the common soldiers and the officers, and which will account for the increased expenditures for the last few years, to some extent, in this branch of the Government. I look at every individual as connected with the peace establishment, who is in the pay of the Government, whether a commissioned or non-commissioned officer, or private, or clerks, or messengers. I care not by what name he may be called; and when viewed in this light, the statement which I now hold in my hand, and which has been prepared from the documents furnished during the present session, and which specifies each individual, and the part of the army to which he is attached, but which I will not now trouble the House by reading, will satisfy the House that there is retained in the pay of the Government, for the control and management of the soldiers of the line, which my colleague now informs me numbers five thousand five hundred men, near one thousand individuals, making one individual connected with the command of the army, for about every five soldiers of the line.

The question then is, whether the services of any of these individuals may be dispensed with at this time without injury to the public service. I am not sufficiently acquainted with the details of an army to speak with certainty

as to the exact proportion that ought to exist between the number of officers and soldiers of the line; but, according to my recollection, in the late war with Great Britain, less than half the number of officers belonging to our peace establishment were deemed sufficient for the command of even a greater number of men, and that, too, whilst engaged in actual service; and there can be no propriety in retaining in the pay of the Government, in time of peace, twice as many officers as the Government would require for the command of the same number of men in war. My limited experience on such subjects will not justify me in attempting to point out the supernumerary officers now retained in public service, and submitting to the House a plan of my own for its reorganization; but I may be permitted, by way of example, and to show the necessity of the passage of the present resolution, to turn the attention of the House to a branch of the army that seems to me to have a greater excess of officers, in proportion to the duties to be performed, than, perhaps, any other. For the purpose of paying the army, now consisting of upwards of six thousand men, there is retained in the public service one paymaster general, whose salary is two thousand five hundred dollars, and three clerks, whose salaries amount to three thousand nine hundred dollars, and one messenger, with a salary of six hundred dollars, and fourteen paymasters, each with a salary of about eight hundred and ninety dollars, (making the sum of nineteen thousand four hundred and sixty dollars,) whose principal if not only duty is to pay off the small number of men now retained in public service. I cannot believe, sir, that this number of officers should be retained, and that amount of money expended for the purpose of paying the number of men belonging to the army; it seems to me that an additional clerk or two in the Treasury Department might discharge all these duties without the slightest inconvenience being felt by the public.

The chairman of the Military Committee next urges the propriety of our Government retaining in the military peace establishment a greater proportion of officers than in time of war, the skeleton of an army, I think he calls it, that the nation may be prepared, upon any sudden emergency, with skilful and experienced officers, to take the command of, and discipline the troops, and attributes our disasters at the commencement of the late war to the want of military skill and science in the officers appointed to command. I cannot think any emergency likely to arise in our country, that will not give us ample time to convert our militia into skilful disciplined troops, prepared to meet any dangers they may have to encounter. We are not, like other nations of the world, surrounded by neighbors, each with a standing army, that may make sudden incursions upon our territories, and assail and destroy us. The militia of the country have always been, and always will be, competent to resist any attacks from the savage tribes that reside upon our borders. Canada is too feeble to be any just cause of alarm. Nor can I admit that the disasters which occurred at the commencement of the late war were properly attributable to the causes which have been assigned. I should rather think that most of them originated in a mistaken confidence reposed by our Government in the officers attached to our former peace establishment, under the belief that their experience and skill, acquired in time of peace, better qualified them for the command of our armies, than other citizens of the country; or perhaps more properly to the want of that vigor of intellect and activity of body, which too often accompany too much leisure or indulgence in every pursuit in life. I should like to know, sir, what essential services had been rendered to the country in the late war by the officers of the old army. With but few exceptions, so far as I recollect, they were esteemed inefficient and wholly useless. These unfortunate incidents in our history, from whatever cause they may have originated, seem to me to prove but little, either

for or against the position assumed by the chairman of the Military Committee.

It is again urged that the present peace establishment is not greater, in proportion to the population and wealth of the United States, than it was during the administration of Jefferson. I cannot, sir, perceive any good reason why the prosperity of the country should be considered a reason for the increase of our army, or the expenditures for it. That the finances of the country will justify us in maintaining twice the present number of troops, or even more, is not disputed by any. But, sir, what use have we for them? Our military posts are to be guarded, our frontiers to be protected. In the early periods of our Government, we were surrounded by numerous and warlike tribes of Indians, always disposed for war, and stimulated by British traders to make attacks upon our frontier settlements, which were at that time separated from the interior of the country by mountains almost impassable. Then three thousand men were deemed sufficient for our standing army; but now, when we have the almost entire control of their trade, their numbers greatly diminished, their spirits humbled by the repeated disasters to which they have been subjected in their wars with us; when their power has left them, and when our resources have increased in a greater proportion than theirs have diminished, and when our frontiers are surrounded by new and flourishing States, sufficiently near them to render any assistance that may be necessary, is our standing army to be doubled? Certainly not, sir. As the population and wealth of our country advances, we are better able to protect ourselves, and there is less necessity for regular troops to be employed for that purpose.

I should have been gratified, sir, if the gentleman from South Carolina, whilst comparing the number of troops now in service, and our resources, with those of the administration of Jefferson, had also compared the expenditures of the same period for the same purpose with those of the present time. He would then have perceived that the present expenditures of the army more than double those of that period in proportion to the numbers. For these reasons, I am inclined to think that there might be not only a diminution of the number of the officers of the army, but also of the number of men, without the slightest injury to the public service, and that the whole peace establishment should be reduced to the number of officers and men actually necessary to take charge of the fortifications, and to secure the public property. I would not, sir, have one man in the employment of the Government, either in the civil or military departments, whose services were not demanded by the interest of the country.

The Military Academy at West Point has been adverted to by the friends of the present resolution, as one of the abuses existing in the present peace establishment, and it has been eulogized by the chairman of the Military Committee, and represented as one of the most useful institutions in our country. I have ever thought, sir, that it was founded upon principles wholly inconsistent with the true policy of our country, and at war with the best interests of the people; it destroys that equality of rights and privileges which should be extended to every citizen of the country; it is a system of patronage, by which the military offices of the country will be confined to the sons of the wealthy and influential, and only sought through the favor of the Executive, or the members of this House; its continuance a few years, I fear, will be the destruction of all honorable emulation among the citizens of the country for them. The military appointments made by the Government, more particularly than any other, should be made accessible to the humblest individual in the community, and should be the reward of qualification and merit alone. If the Government chooses to indulge in the education of any portion of the citizens of the

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country, why confine it to the military department? Why not extend it, likewise, to the officers of the navy; and to your civil as well as military or naval officers? In my opinion, sir, it would be much more useful to extend these benefits to the officers employed in the civil departments of the Government. The interests of the Government and the dearest rights of the people are every day subjected to their control, whilst we may not need, in a lifetime, the assistance of one of your military educated gentlemen; and if we did, we might, in all probability, look for it in vain. We have constant employment for the exercise of the best talents and information of the officers engaged in the civil departments of the Government, and may never need the military knowledge given to the cadets; but if it be the will of the nation to support institutions of this character, and pay professors for superintending the same, and select and support young gentlemen for education, can there be any propriety in paying the favorite few to join the institution, and receive from the Government an education equal to any that can be acquired elsewhere in our country? If the Government establishes the institution, prepares quarters for the accommodation of the students, and pays professors to superintend the same, and would but make it accessible to every individual who would go, thousands would gladly flock to the institution, alone for the education that would be there acquired, without asking of the Government any compensation, and without the privilege of being placed in the line of promotion to the military offices of the country, to the exclusion of other citizens. But now, sir, the Government not only prepares, at a great expense, the necessary buildings for the accommodation of the students, and pays enormous prices to the instructors, but actually pays the cadets for receiving the blessings of an excellent education, about one dollar for each day that they remain in the institution, amounting to the aggregate sum, for the pay of the officers of the institution and the cadets, of about ninety thousand dollars annually. It will not do to say that they are paid as officers of the army, for if they were so, their pay ought not to commence whilst they are receiving, free of expense, the best education the country can afford, and that, too, at a period of life when their time would be probably occupied in such pursuits, if they were not officers of the army. But, sir, they ought not to be considered officers of the army; they are students, engaged in a course of studies that qualifies them for any other pursuit in life, as much as that of the army; and the document furnished us proves that there has been as yet but one out of six who receives admission into the institution that continues in the service of the Government. There have been admitted into this institution two thousand and fifty-three students, of which five hundred and ninety-one graduated, and three hundred and sixty-one now remain in the service of the country. These facts prove to my mind, clearly, that this institution is resorted to, more for the purposes of general education, than with a view of becoming officers of the army. But why is it, that, after having expended such sums of money in their education, we should give them the preference over the other citizens of the country, in the command of the armies? Other citizens of the country may, and do frequently, receive military education, at their own expense, and are as well qualified and meritorious as the young gentlemen educated at West Point; but, if they apply for office, their claims must be postponed in favor of those educated at this bantling of the Government, without even an inquiry made as to their merits or qualifications. But, sir, if this institution, limited as it must necessarily be in its operation, must still be kept up, ought the selection of the cadets to be confined to that class of the community who have not otherwise the means of receiving an education? Ought it not, sir, to be limited to the penniless orphans of the brave men who have perished in the service of the country?

If, sir, the Government has such large sums of money,

annually, to bestow, its liberality had better be extended to the officers and soldiers who served in the militia during the revolutionary war, and who now need its assistance, than to that class of young gentlemen who are enabled to procure appointments at the academy through the wealth and influence of their family and friends. When these things come to be considered and weighed by the American people, rely upon it, sir, that this institution, which has been so much lauded, and puffed into importance and popularity, will be put down—it is a species of aristocracy, inconsistent with the liberality and freedom of our institutions, and more expensive than any other institution in our country, and which I cannot but think would long since have been destroyed, had not the power of appointment been transferred from the Executive branch of this Government to the members of this House. But if the House should not concur with me in opinion that this institution ought to be destroyed, still the number of cadets ought to be regulated so as to correspond with the wants of the army; and the expenditures of the institution ought to be diminished within reasonable bounds; and these considerations alone would justify us in the adoption of the resolution.

The resolution which is now the subject of discussion, contemplates much more than a bare reduction of the excess of officers now retained in our peace establishment; it strikes at a branch of that system of excessive expenditure which has been too much indulged in by our Government for the last few years; it contemplates a diminution of the annual expenses incurred in maintaining and supporting our present peace establishment, which ought to be done, as I shall presently show, whether the army can be reduced or not.

The gentleman from New York [Mr. TAYLOR] has reminded us that, when this subject was before Congress in 1821, and when the army was reduced from ten thousand to six thousand men; he was an advocate for that reduction, and for which he and those who acted with him were denounced as radicals; but he is now of opinion that no further reduction can be made without injury to the public service. I am sure, if the gentleman from New York had turned his attention, for a moment, to the expenditures in this branch of the Government for the last few years, and compared them with the expenditures for the same department for a few years prior to the reduction of the army in 1821, he would have still seen the necessity of either reducing the number of officers, or men, or both, or in some way curtailing the unnecessary expenditures. In this branch of the Government, but little has been gained in the cause of economy by the reduction that took place in 1821. The expenditures of the last few years actually exceed those for a few years prior to that time, when the army was ten thousand strong; which will be seen by a reference to the documents in the War Department, which show that, for the year

1819. "Pay of the army, and subsistence of the officers,"	\$1,002,827 10
"Subsistence,"	989,213 00
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	\$1,992,040 10
1820. "Pay of the army, and subsistence of the officers,"	\$636,784 00
"Subsistence,"	622,048 00
	<hr/>
	\$1,258,832 00
1828. "Pay of the army, and subsistence of the officers,"	\$1,028,121 24
"Subsistence,"	245,217 96
	<hr/>
	\$1,273,339 20

H. of R.]

Judge Peck.

[APRIL 24, 1830.]

1829. "Pay of the army, and subsistence of the officers,"	\$1,134,295 11
"Subsistence,"	299,200 92
	<hr/> \$1,433,496 03

From which it appears that the "pay of the army and subsistence of the officers," for the years 1828 and 1829, when the army was about six thousand strong, exceed that for the years 1819 and 1820, when the army was ten thousand strong, by the sum of five hundred and twenty-two thousand eight hundred and five dollars and twenty-five cents; and that, by the act of 1821, reducing the army to six thousand, we have gained the dismissal of four thousand men from the public service, without any corresponding diminution of the expenses of the army.

I would not have it understood, sir, that, in making and presenting these estimates to the House, I impute any blame whatever to the officer now presiding at the head of the War Department, or the one who discharged the duties of it during the late administration. If the expenditures are, or have been, excessive or improper, which I by no means assert, blame is properly attributable to this House; if appropriations are made for specific objects by us, it becomes the duty of the Executive to see them applied; if any abuse exist, the Congress of the United States is responsible for it to the nation, and from us the people expect its correction. These estimates are presented solely for the purpose of showing the propriety of the passage of the present resolution, or some one of a similar character, under the hope that the attention of the Secretary of War may be directed to it, and that his experience in the department will enable him to report to us some system for the reduction of the expenditures of the army, that will enable us to act efficiently, and without injury to the public service.

The chairman of the Military Committee considers that the present organization of the army ought to be retained as a means of national defence, and has eloquently pointed out the superiority of skilful officers and disciplined troops over the militia, and has illustrated his positions by a recurrence to standing armies of several European nations, and their success over undisciplined troops. I could not, if I was so inclined, follow him through all his illustrations, or successfully controvert the position assumed by him. Whether the position assumed by him be true or not, our Government, being based upon different principles from those alluded to by him, must necessarily resort to a different mode of defence. I may be permitted here to remark, that, if the gentleman from South Carolina had turned one other page in the history of those nations, he would have seen the consequences resulting from their social systems. Iron handed despotism and arbitrary misrule, the people deprived of the right of self-government; immense public debts; and burdensome and oppressive systems of taxation; these are the consequences resulting to European nations from their military organization: the surrender of their liberties is the price they pay for protection by skilful officers and disciplined troops. To my mind, sir, the argument of the gentleman proves the necessity of retaining in the service of this country a very large standing army, rather than the propriety of retaining in our service the present number of officers and men. That we should prepare for war in time of peace, is undisputed in our country; but how prepare? By educating one part of the community to command the other? By setting apart one portion of the citizens for the defence of the other, and sustaining and supporting them in peace? Instead of thus rendering our armies skilful and brave, I would rely upon the virtue, the intelligence, and the moral energies of the country; I would arm and discipline the citizens of the country, the militia; I would remove every burden from the finances of the country; pay

the public debt; sustain, unimpaired, the public credit; I would husband the resources of the country, by leaving the money of the people in its proper place—their own pockets; these, in my estimation, are the true preparations of a republic for war; I would leave standing armies and the sword for the monarch and despot. The militia, sir, so often the subject of ridicule and abuse, is the only army upon which we can rely for the protection of our country; the citizens of the country must, and ever will, protect themselves whilst their liberties are worth preserving; they are the supporters of our Government in peace, and must be its defenders in war: our Government is based upon this principle; we trusted them in the revolution, and were not deceived by them; we confided in them in the late war, and were not disappointed. I will not now detain the House by pointing them to instances of courage, patriotism, and valor, in the militia of our country, that would equal, if not surpass, any of the numerous instances to which our attention has been directed by the gentleman from South Carolina; they are familiar to each member of the House, and are unparalleled in the history of any country.

I have briefly adverted to the reasons which will induce me to vote for the resolution of my colleague, and flatter myself that we will derive such information from the War Department, should it pass, as will enable us to reorganize the army on some more economical plan, better adapted to the situation of the country, and without injury to the public service.

[Here the hour expired, and the debate closed for this day.]

JUDGE PECK.

The House then resolved itself into Committee of the Whole on the state of the Union, Mr. WILDE in the chair.

Mr. BURGESS spoke at length against the original resolution. He occupied the floor for about two hours.

Mr. WICKLIFFE spoke in reply, and in defence of the course pursued by the Committee on the Judiciary.

The amendment offered by Mr. EVERETT was negatived.

The resolution offered by the chairman of the committee was agreed to—yeas 113.

The committee then rose, and reported the resolution.

Mr. BUCHANAN asked for the yeas and nays on concurrence in the resolution; which were ordered.

Mr. PETTIS then moved a call of the House; which was refused.

The question was then taken on concurring with the committee in the resolution, and carried in the affirmative.

YEAS.—Messrs. Alexander, Allen, Alston, Anderson, Archer, Armstrong, Barnwell, Barringer, Beekman, Blair, of South Carolina, Bockee, Boon, Borst, Bouldin, Brodhead, Brown, Buchanan, Cahoon, Cambreleng, Campbell, Carson, Chandler, Chilton, Claiborne, Coke, Coleman, Conner, Cowles, Craig, of New York, Craig, of Virginia, Crawford, Crocheron, Daniel, Davenport, Davis, of South Carolina, Deberry, Denny, Desha, De Witt, Doddridge, Drayton, Dudley, Earll, Ellsworth, Evans, of Maine, Evans, of Pennsylvania, Findlay, Finch, Forward, Foster, Fry, Gaither, Gilmore, Gordon, Hall, Halsey, Hammons, Harvey, Haynes, Hinds, Hodges, Howard, Hubbard, Ihrie, Isaacs, Jennings, Johnson, of Kentucky, Johnson, of Tennessee, Kendall, Kincaid, King, of New York, Lamar, Lea, Lecompte, Letcher, Loyall, Lewis, Lyon, Magee, Maxwell, of New York, Maxwell, of Virginia, McCreery, McDuffie, McIntire, Mitchell, Monell, Muhlenberg, Nuckolls, Overton, Polk, Potter, Powers, Ramsey, Richardson, Roane, Russel, Scott, Shepperd, Shields, Semmes, Smith, Speight, Spencer, of New York, Spencer, of Maryland, Sprigg, Sterigere, Storrs, of New York, Swift, Taliaferro, Test, Thompson, of Georgia, Thomson, of Ohio, Trez-

APRIL 26, 1830.]

The Army.—The Indians.—The Tariff.

[H. of R.]

vant, Tucker, Verplanck, Washington, Weeks, White, of New York, White, of Louisiana, Wickliffe, Wilde, Wingate, Yancey.—123.

NAYS.—Messrs. Angel, Arnold, Bailey, Barber, Bartley, Bates, Bell, Blair, of Tennessee, Burges, Butman, Clay, Clark, Condict, Cooper, Crane, Creighton, Crowninshield, Davis, of Massachusetts, Dwight, Everett, of Vermont, Everett, of Massachusetts, Gorham, Grennell, Hawkins, Hughes, Hunt, Huntington, Kennon, Martindale, McCoy, Miller, Pearce, Pettis, Pierson, Reed, Rose, Sill, Stanberry, Standifer, Stephens, Storrs, of Connecticut, Sutherland, Swann, Taylor, Vance, Vinton, Whittlesey, Williams, Young.—49.

So the resolution was adopted.

On motion of Mr. BUCHANAN,

Ordered, That ——— be appointed a committee to go to the Senate, and at the bar thereof, in the name of the House of Representatives, and of all the people of the United States, to impeach James H. Peck, judge of the district court of the United States for the district of Missouri, of high misdemeanors in office; and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him, and make good the same; and that the Senate be requested to make order for the appearance of the said James H. Peck, to make answer to the same.

The committee was ordered to consist of two members.

On motion of Mr. STORRS, it was

Resolved, That a committee be appointed to prepare and report to this House articles of impeachment against James H. Peck, district judge for the State of Missouri, for misdemeanors in his said office.

The committee was ordered to consist of five.

MONDAY, APRIL 26, 1830.

THE ARMY.

The House resumed the consideration of the resolution directing the Secretary of War to report to the next Congress an organization of the army, with a view to a reduction of the number of the officers.

Mr. SPENCER, of New York, observed that the resolution seemed aimed at an institution, (the West Point Academy,) which is the ornament and safety of the country; and with a view to try the sense of the House on it, and put an end to the protracted debate, he moved to lay the resolution on the table.

Mr. DESHA requested Mr. S. to withdraw his motion, to give him [Mr. D.] an opportunity of making some further remarks on the subject; but

Mr. SPENCER said he could not do so compatibly with his sense of duty, and the gentleman must excuse him.

The question was then put on laying the resolution on the table, and negatived by the following vote: yeas, 64—nays, 96.

Mr. DESHA then spoke at some length in further support of the policy of reducing the number of officers, and against the Military Academy.

Mr. WILDE did not rise to address the House again on the merits of the resolution; but not wishing to vote for it in its present shape, and the House having refused to lay it on the table, he rose to offer an amendment which would make it more acceptable to himself and perhaps many others. At present the resolution was not a simple inquiry; it would carry with it an expression of opinion by the House on the question of reducing the number of officers. This he disapproved of; and, to obviate the objection, he moved to strike out the matter of the resolution, and substitute the following: That the Secretary of War report to the House, at its next session, "whether any reduction in the number of officers in the army of the United States can be made without injury to the public service, and, if any, what reduction; together with a plan for the most efficient

organization of the army in conformity with the reduction proposed."

The amendment was agreed to: yeas, 85—nays, 44; and The resolution, thus amended, was adopted; without a division.

THE INDIANS.

The bill from the Senate making an appropriation for obtaining an exchange of lands with the Indians, and for removing the Indians west of the Mississippi, was twice read.

Mr. BELL moved to refer the bill to the Committee of the Whole on the state of the Union.

Mr. DWIGHT thought that, as some important amendments had been made by the Senate, it was desirable to obtain the sense of the Committee on Indian Affairs regarding these amendments, before they were committed to the Committee of the Whole on the state of the Union.

Mr. BELL said, the amendments were substantially the same in principle as the bill which was reported by the Committee on Indian Affairs contained.

Mr. LUMPKIN made some remarks to the same effect.

Mr. DWIGHT then withdrew his motion, and the bill was committed to the Committee of the Whole on the state of the Union.

THE TARIFF.

Mr. MALLARY, with a view to go into committee on the tariff bill, moved to postpone the intervening orders of the day; amongst which was the bill respecting the Tennessee lands, which Mr. CROCKETT made an earnest effort to prevent from being postponed; but Mr. MALLARY's motion prevailed, and

The House went into Committee of the Whole, Mr. POLK in the chair, and took up the bill to alter the several tariff acts, to provide for the more effectual collection of duties, and to prevent evasions of the revenue.

Mr. McDUFFIE rose, and commenced by saying that the bill under consideration was designed to enforce existing laws of the country, and effect a more faithful collection of the duties on imports. This was an object right and proper in itself, and one which he was willing to promote. He would be always in favor of enforcing the faithful collection of the revenue, even though he might object to the laws by which it was levied. In this case, however, he would attain the faithful collection of the revenue by a mode different from that contemplated by the bill. He would do it by diminishing the duties, and thereby removing the inducement to evade the duties. With this view, he moved to amend the bill as follows: Strike out all of the bill after the first section, and insert the following:

Sec. 2. And be it further enacted, That, from and after the 30th of June next, so much of the act of the 19th of May, 1828, as increases the duty on wool manufactured, and on manufactures of wool, or of which wool shall be a component part, be repealed, leaving the duties on said articles as they stood previous to the passage of that act; and that, from and after the 30th of June, 1831, so much of the act of the 22d May, 1824, as increases the duties on the aforesaid articles, be, and the same is also, repealed, leaving the said duties as they stood previous to the passage of the said act.

And be it further enacted, That, from and after the 30th of June next, so much of the aforesaid acts of the 19th of May, 1828, as increases the duty on iron in bars and bolts, whether manufactured by rolling or hammering, on hemp, on flax, on cotton bagging, on molasses, on indigo, on manufactures of cotton, or of which cotton is a component part, be repealed, leaving the said duties as they stood previous to the passage of the said act; and that so much of the aforesaid act of the 22d May, 1824, as increased the duty on any of the aforesaid articles, be repealed from and after the 30th of June, 1831, leaving the duties on the said articles as they stood before the passage of that act.

And be it further enacted, That the duty on salt be reduced to ten cents per bushel of fifty-six pounds, from and after the 30th of June next.

Mr. McDUFFIE then proceeded to discuss, at large, the policy of the protecting system, and to exhibit what he deemed its pernicious effects on the various interests of the country. He had spoken about two hours, when he stated that he had now gone through the dry and less interesting topics involved in the discussion; what he had further to say on the subject, touched considerations of a character more vital and interesting. Being, however, somewhat fatigued, he would prefer postponing his further remarks until to-morrow.

MAYSVILLE ROAD BILL.

Mr. LETCHER, of Kentucky, for the purpose of indulging the gentleman, suggested that the committee should lay aside this bill, and take up, for the remainder of the sitting, some minor bill, that would occupy but little time; and he therefore moved that the committee take up the bill authorizing a subscription on the part of the Government to the stock of the Maysville and Lexington Turnpike road; which motion prevailed, and the bill was accordingly read.

Mr. LETCHER rose in explanation of the bill. He said he did not at present intend to do more than to offer, for the information of the House, a very brief statement of facts connected with this application to Congress. The Legislature of the State of Kentucky, [said he] by a well drawn and well guarded charter, have incorporated a company to construct the road referred to in the bill just read, under the name of "the Maysville, Washington, Paris, and Lexington Turnpike Company." The subject is one of very great solicitude in the State, and more particularly in that interesting portion of it through which the road is to run. The attention of the General Government has long since been drawn to the importance and utility of this great highway; and under its immediate direction, skilful engineers, in the year 1827, made a survey from Zanesville, in Ohio, to Florence, in Alabama, including that portion of it over which the contemplated road is to be made. The report of the engineers, sir, is now before me—it is made out with great care, enters minutely into details, and, upon examination, will, I trust, be found entirely satisfactory and accurate.

With the indulgence of the House, sir, I will add only a word or two to show the great importance of the road, and to prove, that, by granting the subscription of stock asked for, the Government will not expose itself either to loss or injury, but, on the contrary, will be highly benefited.

Maysville is a flourishing and growing village, on the south side of the Ohio river, about sixty miles above Cincinnati. It is already a point of considerable commercial consequence, and no doubt will continue to increase rapidly, both in wealth and commerce. It is justly considered the great depot of the Kentucky merchants who trade to the East. From that point an immense quantity of merchandise, as well as other articles, is conveyed through various portions of the State.

The road designed to be improved is intended to intersect the great national road in the State of Ohio. It connects itself also on each side with the Ohio river. These two connexions most certainly and justly entitle it to the appellation of a national work. Its present condition is too bad to be particularly described, probably the very worst in the United States, while at the same time it is more travelled, in proportion to the population of the country, than any other section of the West. The facility with which it can be constructed, and the small expense compared with the great benefit to the country, recommends in the strongest manner the proposition to take stock to the favorable consideration of the House. The bill is well

guarded. The subscription now asked is not to be advanced, until enough has been actually paid by individuals and the State, to equal the amount paid by the General Government. The sum reserved to individuals has all been subscribed, amounting to seventy-five thousand dollars, and the State of Kentucky has subscribed seventy-five thousand dollars more; both these sums are to be fully paid before the subscription of the United States is to be demanded. To illustrate the importance of this road, I have a few strong facts to lay before the House. The company hired a man during one month, to record the number of persons, wagons, horses, cattle, &c. which passed over the road; and the average for a day, derived from this record, amounts to three hundred and fifty-one persons, thirty three carriages, and fifty-one wagons.

I hold the document in my hand, subject to the inspection of any gentleman who may desire to examine it.

There is no intention to induce the House to subscribe to a mere neighborhood road. The calculation above quoted must convince every gentleman that this is a road greatly travelled—that it is both useful and used. And while the aid of Government will put it in a good condition, the Government will not lose a dollar by its beneficent operation. It is known to many gentlemen on this floor, that the road is one of the worst in all our country. In the winter it is almost impassable, owing to the depth of the soil, which readily forms deep mud holes. Such is the difficulty of getting along, that the wagoners have sometimes to join themselves in gangs to lend each other assistance. Double teams are often hitched to the same wagon; and not unfrequently they become so deeply mired that the neighbors have to turn out to aid the teamsters; and in winter it often happened, after sticking in the mire, that they are frozen up entirely. The same state of things exists in reference to the mail; and a great saving will be effected by the Government, both as to time and expense in its transportation. Should the road be properly made, the saving on this head alone will more than compensate you, even if the money was given, instead of subscribed. I promised, sir, to be very brief; I trust I have fulfilled that promise. Whilst I do not desire or anticipate any opposition to the passage of the bill, yet I hold myself ready now, and at all times, to defend it, should any be offered.

Mr. FOSTER, of Georgia, moved to strike out the enacting clause of the bill. He could not but feel surprised at the confidence expressed by the gentleman from Kentucky, [Mr. LETCHER] that the bill would meet with no opposition; this surprise was only equalled by that which he felt at the support which the Committee on Roads and Canals had given to the proposed measure by even reporting the bill. But the gentleman tells us this is a national road—and what are the evidences of its nationality? Why, forsooth, that immense numbers of horses, wagons, &c. travel it, and that in certain seasons of the year it is almost impassable. Really, sir, [said Mr. F.] if these are the characteristics of a national road, our country abounds with them; there is scarcely a market road in Georgia or Carolina, which might not, with great propriety, claim the distinction. But Mr. F. was too much indisposed to enter into a discussion of the merits of the bill, and was satisfied with having drawn the attention of the committee to it.

Mr. HAYNES inquired whether any survey of this road had been made by the United States' engineers; or whether the House was to take the statement of the expense on the estimates of those interested.

Mr. LETCHER replied, that an engineer named Williams, the same person who had been employed by the Government on the Cumberland road, had surveyed this road. It had also been reported on by engineers in the United States' service.

Mr. HAYNES said, we all know with what facility such surveys are procured, and how easy it is to get subscrip-

APRIL 26, 1830.]

Mayesville Road Bill.

[H. of R.]

tions to any new scheme, especially where the Government is to be a partner. Some years ago, the House was urged to subscribe to some such undertaking. He believed it was to the Chesapeake and Delaware canal, when it was pressed as an argument in its favor, that the Dismal Swamp canal, a link in the great chain of internal communication, as it is called, had been completed; and yet, since he had been a member of this House, a further subscription had been asked and obtained to the stock of the Dismal Swamp canal; since which time, a further subscription had been obtained for the same object. Four years ago, we had been asked to subscribe one hundred thousand dollars to the stock of the Louisville and Portland canal, as necessary for its completion, which was granted. Since that time, a further subscription, of what precise amount he did not recollect, had been sought and obtained, and a still further subscription is now asked for. He said, that, laying aside every other consideration but the mere question of expediency, (although his opinions as to the constitutionality of such measures are well known,) he trusted the House would consider maturely before it engaged in such an undertaking.

Mr. LETCHER replied.

Mr. HAYNES regretted that the honorable gentleman [Mr. LETCHER] should have supposed him capable of entertaining vindictive feelings towards Kentucky, Kentuckians, or to any enterprise in which they were interested. He cherished too high a respect for the gentleman from that State, with whom he had become acquainted here and elsewhere, to indulge such feelings. [Mr. LETCHER explained, and disclaimed such an imputation.]

Mr. HAYNES said, he could not permit the inference to be drawn from the remarks of the gentleman from Kentucky, that he [Mr. H.] entertained the opinion that this Government has the power to engage in works of internal improvement. In his opinion, the subscription to stock stood precisely on the same footing, in principle, with a direct appropriation of money for the construction of a road or canal. Indeed, he considered it as not differing from the construction of such a work by the Government.

He considered the power of taxation to be limited by the specific grants in the constitution, and, consequently, the power of appropriation was subject to the same limitations. The relative could not be broader than its antecedent. However, he did not intend to argue the constitutional question, but thought thus much necessary by way of protest against all such acts whatsoever.

Mr. LETCHER, in reply, insisted that the road in this bill was strictly national in its character. Sir, [said he] from what has fallen from the two gentlemen from Georgia, [Mr. FOSTER and Mr. HAYNES] I must have been peculiarly unfortunate in the very few remarks I had the honor of submitting when first up. I endeavored to make myself understood. I stated then, sir, and now repeat that statement, that it is expected, and that it is designed to continue the road through the State of Ohio, until it intersects the great national road usually known as the Cumberland road, and that this was the commencement of the scheme. Yet, sir, gentlemen seem to misunderstand, or to misapprehend, what has been said, and to persist in the intimation, that the object is to obtain governmental assistance for local accommodation. It is not so. The object, sir, has been fully and fairly avowed. Until now, I had supposed it was very generally admitted that the most unexceptionable method in which the Government could engage in works of internal improvement, was to subscribe stock in companies formed by individual enterprise. But, at present, it seems to be feared by the gentlemen that this is the mode best calculated to draw money from the treasury, to be distributed or given in a neighborhood. He begged gentlemen to believe, that though the road was exceedingly bad, and a good one much needed, yet the friends of the bill were far, very far, from asking any thing

in the shape of charity. They asked for no gift, no, nothing like it; but merely invited a subscription of stock to assist in the improvement of a most important and useful work, and one which was known to be strictly national. Though Kentucky had never yet received a cent from this Government, while she saw the public money expended elsewhere for objects of internal improvement, who, sir, has ever heard her utter a groan, or heave a sigh? He trusted she would always have too much pride to beg or to murmur. No, sir, her people are not a begging people. She had always voted to appropriate money for similar objects; and whenever any scheme of the kind was proposed to the House, she presented almost an undivided front. And why? Not from any selfish and sordid motives, but because she was anxious to promote the prosperity and interest of the country, a part of which she is, I hope, considered.

Whilst one of the gentlemen from Georgia urged his objections to the bill, sir, the other, I thought, seemed much grieved at the subscription which had heretofore been made to the Louisville and Portland canal, and argued that more money was to be applied for before the adjournment of Congress. When that bill is called up, sir, let the gentleman offer his objections to it. My colleague, [Mr. WICKLIFFE] who represents that region of the country, will be ready to meet him. But I beg of the gentleman, [Mr. HAYNES] whatever vindictive feelings he may entertain towards that measure, not to wreak his vengeance upon this unoffending one. The Louisville canal is no Kentucky measure, and the State cannot be charged with the investment made by the Government for that work. It is a measure in which the States above and below Kentucky, I might almost say, sir, are exclusively interested. The improvement now so warmly opposed by the two honorable gentlemen, I acknowledge, sir, is of immense consequence to the State. It leads to one of the most fertile regions of the earth, and connects it with a navigable stream, a country beautiful and highly productive. Without it, what is our situation? Why, sir, a little like living in the happy valley, very difficult to get into it, and yet more difficult to get out of it. We have every thing in great abundance, and to spare, that man could desire, except an outlet to a good market. We raise, sir, far more than we can consume, and we are desirous of furnishing our neighbors out of the surplus, on the best terms, and upon the shortest notice. The road must be owned to be national as soon as it reached the great Ohio river. Did it lose its national character because it was to be so much used by the people of Kentucky? It has been emphatically asked why the State does not make the road herself. Sir, [said Mr. L.] the State is new, her resources are limited; she would make it if she could; she seeks nothing of you as a gift, but only a little assistance to advance your own interests as well as hers. You are a rich and able Government, with ample means at your command, and cannot lose one cent by complying with her request. Will you refuse it? Let me, sir, put one plain question to the friends and to the opposers of internal improvement. What would you think of the character of a father, who had eight or ten children, each of whom possessed a fine farm, rich and fertile, well situated, and in perfect order, if a younger child, always affectionate and dutiful, who had ever been ready to serve its parents by day or by night, in peace or in war, and who had not deserted him in his deepest affliction, should present itself before him, and say, father, I see that all my brothers are prosperous and happy, they have fine settlements and are doing well—I am glad to see it. I helped all I could to make them so. I do not envy any one of them his good fortune. My own farm, however, is in a bad condition. I have had a great deal of hard work to do, and at this moment I am a little behindhand; and as you, father, are in funds just now, I pray you to advance

H. of R.]

Penitentiary Punishment.

[APRIL 27, 1830.]

me a small sum to aid me in completing an improvement highly advantageous both to you and to me; I ask it not as a gift, but merely the use of it for a short period. Sir, is there a gentleman here who could or would justify the father in refusing such a request? and what sort of a father must he be who could turn that child from his door? The case I have put, I think, sir, illustrates our true situation. I will not comment upon it. I will say, however, we scorn to complain of the help which has been extended to others; but we shall think it very strange and very unkind, if, when we come for the first time, and ask you to do a most just and reasonable thing, to aid an enterprise in every respect worthy of the patronage of the Government, you should refuse it. I hope my friend from Georgia [Mr. FOSTER] does not desire to throw any unnecessary obstacles in the way of this bill, should it be the pleasure of a majority to pass it; and I would most respectfully submit to him to withdraw his motion to strike out the first section, and let the bill be reported to the House. He can afterwards make any opposition he may think fit. This course will save a great deal of time, and I trust he will consent to it.

Mr. FOSTER said that he most cheerfully accorded to the chivalrous and high-minded Kentuckians all the respect and gratitude to which their sufferings and services in the cause of our common country so eminently entitled them. Nor had he for a moment considered, much less intimated, that, in making the application which the bill under consideration is designed to favor, they approached us in the language of supplication or complaint; he knew too well the proud and lofty spirit of that gallant people, to believe that they would descend to either.

Mr. F. would trouble the committee with only a few words more in relation to the particular object of this bill. The gentleman [Mr. LECHE] who advocates it with so much zeal, has told us, with his usual candor, that this is only the beginning of a design far more extensive—that this is only a portion of a great road which is to be constructed from Zanesville, in Ohio, to Florence, in Alabama. This is the body, the centre building of the great work—the wings are to be put up hereafter. And all these are objects of national importance! Sir, [said Mr. F.] it would be easy to point out five hundred, yes, five thousand roads of the same description.

Mr. F. hoped that no gentleman would suspect him of having any wish to impede the progress or improvement of the State of Kentucky; so far from it, he declared himself proud to witness her growing prosperity. The Union owed her a great deal, not only for her achievements in the national defence, but for the splendid talents which she contributes to our national councils. Yet, with all his respect for the State, and her patriotic sons, he could not vote for the bill now on the table. He would, however, withdraw his motion for striking out the enacting clause, and suffer the bill to be reported to the House, when a direct vote can be taken on its passage.

[The committee then rose.]

TUESDAY, APRIL 27, 1830.

PENITENTIARY PUNISHMENT.

The House then, according to the order of the day, took up the bill providing for the punishment of crimes within the District of Columbia, as it was reported by the Committee of the Whole.

The discussion of the details of this bill consumed the day's sitting, and occupied the House till near five o'clock.

The point which gave rise to far the greater part of the debate, was that which grew out of the question whether slaves should be made liable to the same punishment, by confinement in the penitentiary, for the various offences described, as other persons. The Committee of the Whole House had adopted an amendment to insert the

word "free" in the provisions of the bill, so as to make them applicable to "free persons" only. On the question of concurring in this amendment, Messrs. TEST, POWERS, SPENCER, of New York, BUCHANAN, TAYLOR, and PEARCE spoke in opposition to it, and Messrs. POLK, HAYNES, BOULDIN, WASHINGTON, and MERCER advocated it. Finally,

The question was decided by yeas and nays, against concurring in the amendment, as follows: yeas, 73—nays, 88.

Mr. HAYNES then moved to retain the discrimination in the fourth section, which prescribes the punishment for rape, so as to make this a penitentiary offence for "free" persons, and death for slaves; the latter being the penalty of the offence under the existing laws of the District.

This amendment was agreed to: yeas, 79—nays, 69.

Mr. HAYNES then moved further to amend this clause, by inserting the word "white" after "free," so as to exclude all colored persons from the penitentiary punishment for the offence.

This motion was opposed by Messrs. SPENCER and BURGESS, on the ground of the difficulty that would often occur in deciding whether a man was white or not; and was negatived: yeas, 54—nays, 66.

Mr. BOULDIN moved to strike out the whole section, and thus leave the crime as it now is, to be punished in all cases with death; that being the penalty for it in all civilized countries. After some discussion,

This motion was negatived: yeas, 54—nays, 65.

Mr. J. S. BARBOUR submitted his objections to the bill, growing out of the provisions relative to slaves, and going to affect the condition of that property in the circumjacent States, and moved to lay the bill on the table, but withdrew his motion at the request of

Mr. SEMMES, who had an amendment to offer, which would obviate Mr. B.'s objections. While he was preparing it,

Mr. DRAYTON expressed his objections to the bill, as it was now shaped, and concluded by moving to lay the bill on the table.

This question was decided, by yeas and nays, in the negative, as follows: yeas, 61—nays, 93.

Mr. SEMMES then moved an additional section, providing that nothing contained in the bill should apply to slaves not residents of the District of Columbia; but that such slaves should be punished according to the laws as they now exist; which amendment was agreed to.

Mr. BARRINGER next moved an amendment in the fourth section, the substance of which was to except slaves from penitentiary punishment for offences for which the punishment now is whipping; which amendment prevailed—69 to 61.

Mr. HAYNES now renewed the motion to lay the bill on the table; but it was again negatived—yeas, 55.

Mr. ALEXANDER then, intimating much repugnance to the bill as it now stood, and a desire to deliver his reasons for being averse to it, moved to postpone its further consideration to Thursday; which motion prevailed—93 to 40.

[The following are the only remarks delivered on the subject in the possession of the publishers.]

Mr. POWERS said, he rose for the purpose of answering some arguments which had been advanced in favor of excluding slaves from the operation of the bill when under discussion upon a former occasion, and to state some facts which he had recently obtained, and with which the House was probably unacquainted.

Mr. P. said, he would remark, preliminarily, that he was not one of those who believed either in the constitutional power or public policy of any interference of the General Government with the local regulations of a State, whether they related to people of one color or another. Let each Government be kept in its proper sphere of action, and all subjects which are strictly and legitimately of a local character remain under the exclusive control of the State

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authorities, as was intended by the framers of the federal constitution, and the people of the States who adopted it. But these principles had no application to the District of Columbia, which, by the eighth section of the first article of the constitution, was placed under the exclusive jurisdiction of Congress.

This is national ground, and that alone where the unchecked and undivided power of the Federal Government can operate. Yet, even here, Mr. P. thought it to be the duty of Congress to be exceedingly cautious that the tendency of its legislation should not be injurious to the interests of the adjoining States, except in cases where some general principle, or the paramount interests of this District, required it. In his opinion the bill embraced such a principle, and one which ought not to be yielded, although he could not perceive, nor did he believe it possible, that the bill without the amendment could produce any injurious effects upon the interests of Maryland and Virginia, or any other slave-holding States.

Indeed, as it regards this District alone, he confessed that it was chiefly an abstract question of principle, because, from the facts which he would presently state, it would satisfactorily appear, that, as to the practical operation of the bill, it was not very important whether the amendment prevailed or not; but for one he could not willingly adopt the principle, that slaves and free persons should not be put on the same ground as to punishment for crimes.

Mr. P. went on to observe that, in the former discussion upon the bill, honorable gentlemen seemed to suppose that if slaves were sentenced to the penitentiary for crimes, their numbers would be so great as to fill up the present establishment, and render it necessary immediately, and at great expense, to commence the building of more. How do facts sustain this argument? The truth appears to be, that there are very few slaves in this District, in proportion to free persons, who are brought before courts of justice for the commission of offences, and this fact was highly creditable to their masters, who exercised such salutary guardianship over the conduct and morals of their slaves, and removed from them the temptation arising from want, by providing so well for their comfort. Mr. P. said he had addressed a letter of inquiry on this subject to the Clerk of Alexandria county, (Mr. Lee,) a lawyer of high respectability, whose answer he wished the Clerk to read to the House, and which was accordingly read, as follows:

"ALEXANDRIA, 24th April, 1830.

"SIR: I have received your letter of the 23d instant. Time will not admit of my making as particular an examination as I wish, to enable me to give a very accurate reply to your inquiry. What I shall now state is from general recollection. Slaves, by the law in force in this county, are, for misdemeanors, punishable in a summary way by a single justice, out of court, by stripes, at the public whipping post, not exceeding thirty-nine. Therefore, such cases do not come before the court, or become publicly known. I have inquired of one of the magistrates who has been many years acting, and is an efficient and experienced magistrate, as to the number of slaves he has had occasion to have punished for misdemeanors. He states that he has had but one slave whipped, though there have been brought before him many slaves charged with criminal offences, that is, with misdemeanors, whom he has discharged. I have understood from a source on which I rely, that a justice of the peace for this county, who resides in the country, has said that during the time he has been a magistrate, which is about eighteen years, he has had only one slave whipped. A third justice has stated that, during the year 1829, he has not had before him more than ten to twelve slaves charged with any offence. Some of them he has discharged for want of sufficient evidence, and some he has had whipped. This magistrate

does about half the business in the town. With regard to free people of color, there are some offences which are punishable before a justice of the peace, and they are but few. All others are punishable by a verdict of a jury and judgment of the court. With regard to free people of color, I can state from my observation, both when I was practising as a lawyer in the court here, and since I have held my present station, that the number of free persons of color, compared to that of slaves, charged with offences before the court, cannot be in a less proportion than of ten to one, that is, ten free negroes to one slave. As to white offenders, they have exceeded black offenders, including free and bond, in double, if not treble, the above proportion. I have been long satisfied that the lower class of the white population is much more vicious, and more apt to be guilty of offences, than either the slaves or the free persons of color; and that the free people of color are more vicious, and more prone to commit offences, than the slaves. With regard to the free people of color, they are tempted to it from the idle life they too generally lead—they steal instead of working for their living. The slaves are generally well treated, well clothed and fed, therefore have not the same motive, that of supplying their necessary wants, for becoming rogues. The class of white people I have mentioned, from the want of proper education and instruction, from the too easy acquirement of ardent spirits, and too wild a notion of what real civil and political rights are, mistake licentiousness for liberty, which produces great idleness, and this ends in crime."

Mr. P. then further stated that he had also received a letter on this subject from Mr. Hall, a lawyer of respectability and intelligence in this city, who was also a magistrate, from which he read the following extract:

"I can, however, state, that, in the course of my experience as a magistrate, there have been, in the course of three years, brought before me forty-one persons charged with various crimes, of whom three only were slaves. I do indeed remember two others who were brought before me, but the charge against them, on the face of it importing no crime, I did not enter the cases upon my docket. Slaves are punishable by whipping; and, since I have been a magistrate, only one instance has occurred in which that punishment has been ordered by me."

In addition to this, he read the following extract of a letter from Mr. Swann, the District Attorney, who [Mr. P. remarked] was well known to many of the members of this House—"You ask what number of slaves, in proportion to free persons, are presented for crimes in this county. My impression is, that the proportion is very small—I should think not one-twentieth. In the number of presentments made to a court, amounting to from sixty to eighty, we seldom have more than two or three cases against slaves. The free colored people are more numerous; and the greater portion of cases that are presented for crimes of a felonious character, are against that description of people—that is, free colored people."

Thus it appears [said Mr. P.] that crimes in this District are principally committed by the idle and dissolute free blacks, and a still more wretched and degraded class of white people; and this must naturally be the state of things where slavery exists, to discredit labor, and especially where miserable free blacks and whites are found in such numbers as flock into this District in pursuit of temporary employment or plunder. These facts confirmed the position, that, as to the practical operation of this bill, it is quite unimportant whether slaves are embraced by it or not; and also show, that the apprehensions of gentlemen, that the penitentiary would become crowded with slave criminals, are utterly groundless.

Several gentlemen had contended that the incarceration of slaves in the penitentiary would be little or no punishment to them—that they are slaves of individuals now, and would then only change masters, and become the

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slaves of Government—that they are now required to labor, and would only be compelled to do the same in the penitentiary.

In answer to this argument, Mr. P. observed that the suffering of a penitentiary felon depended not only upon his moral and physical sensibility, but upon the comforts and enjoyments of life to which he had been accustomed, and of which imprisonment had deprived him. Upon these principles, he submitted the question to the House with confidence, whether the slaves here would not suffer more than the class of criminals coming from the free blacks and whites. In truth, [said Mr. P.] if the principle he contended for, that there should be but one rule of punishment for all those classes, were objectionable, it must be upon the ground that slaves would suffer most; and hence that the law would operate unequally.

It is claimed by gentlemen, that while they are opposed to slavery in the abstract, and justly consider it an evil entailed upon them by their ancestors, from which it is difficult, if not impossible, to escape, yet that their slaves are surrounded by numerous enjoyments—that they are honest, industrious, contented, loyal, attached to their masters, and to each other. This is not only undisputed, but the facts already stated seem to confirm it—so far as relates to this District. What punishment then could be more severe upon such slaves, than to incarcerate them in a penitentiary, where they would be cut off from all domestic enjoyments and social intercourse, confined at night to a dark and solitary cell, compelled to labor through the day in silence; and this labor and solitude continued, with unbroken monotony, for months or years, without even being permitted to receive the slightest intelligence from their homes, their families, or their masters?

Would not this slavery to the Government be less endurable, than that condition of domestic slavery, which, by the principles of humanity and the force of public opinion, had become so greatly ameliorated, and of which we have heard such interesting accounts?

It was proposed [said Mr. P.] in a former debate to exempt slaves from the punishments proposed by this bill, and extend over them the existing penal laws of Maryland and Virginia, under a mistaken belief, at least so far as relates to Virginia, that those laws, since the jurisdiction of Congress was assumed over the District, had become greatly ameliorated. It was then intimated to him [Mr. P.] by a gentleman from Virginia, that the laws of that State, in regard to slaves, which had been enacted for the last twenty or thirty years, were more severe than they had been previously, and which had been occasioned by some actual or threatened commotion among that class of people. This had led him [Mr. P.] to examine those laws; and he must say, that, if the laws of this District, regarding slaves, as had been justly remarked, were written in blood, the present laws of Virginia on that subject were of a still more sanguinary character. By this, he meant no disrespect to that patriotic State, with whose constitutional laws the General Government had no concern, whether they be wise or unwise; of that, each State is the best and only judge. But when it is proposed to adopt those laws in this District, they become a fit subject of remark. It will be found by the present penal code of Virginia, that in most, if not all the offences for which free persons are punishable by confinement in the penitentiary, slaves are made punishable with death. Mr. P. named several of those offences, such as horse stealing and other larcenies, maliciously setting fire to any bridge, barn, shop, stable, stack of wheat or corn, feloniously breaking open any storehouse or warehouse, forgery, counterfeiting, and embezzling property; but he would not detain the House with going over the whole catalogue. But in framing and executing any system of criminal jurisprudence, [said Mr. P.] the great and leading object should be public security. The second section of this bill relates

to the crime of assault and battery, with intent to kill. Here the amendment is first proposed to exclude slaves from its operation, and this very section illustrates the above principle. When any person, whether bond or free, evinces such a violent temper, or malignant heart, as to lead them to the commission of desperate and dangerous offences, public security forbids their running at large; they should be withdrawn from society, either by confinement or death. Such cases are referred to in this section, and also such as attempts to poison, and like cases, which show a malicious and reprobate mind. In many of the least aggravated of these cases, the public feeling would revolt at inflicting the punishment of death; and, therefore, if the amendment prevails, slaves committing those crimes would go unpunished and unrestrained, ready for the perpetration of other offences, as revenge, malice, or passion might prompt them. And does not public security and individual safety forbid this?

As regards the wishes of the people of the District, to which reference had been made, he could not undertake to speak with certainty. The bill, as originally reported, has long since been published in the newspapers, as well as the previous discussion on this very question, and no objections to the original bill had come to his knowledge: from this, and also from the fact that frequent expressions in its favor had been made to him, [Mr. P.] he was led to believe that a majority of the people in this District were in favor of the principles of the bill. He regretted that any excitement should grow out of this discussion, and dreaded protracted debate at this stage of the session, which he hoped might be avoided, and the question taken. The bill was of great importance to the District, and there were various other bills also, which its interests called loudly upon Congress to pass, and which could not be done till this was disposed of. Mr. P. said, he would not further trespass upon the attention of the House, and occupy that time which he had expressed a hope would not be done by others.

Mr. POLK thought that the matter should be viewed as one of expediency only, as one for the punishment and prevention of crime alone. In all the States in the Union, where slavery existed, instances could be found where the slave was punished by imprisonment; and that fact spoke more to the purpose than a long argument upon the subject. A slave dreads the punishment of stripes more than he does imprisonment; and that description of punishment has, besides, a beneficial effect upon his fellow-slaves. Mr. P. went on to take a review of the offences designated, and the punishments prescribed, by the bill, and contended that its provisions did not amount, and could not be considered as amounting, in these particulars, to such an efficient restraint as was necessary under the peculiar circumstances of such cases.

Mr. BUCHANAN observed that the citizens of the District had had the bill before them for some time, and had not complained of its provisions. Formerly, cases had occurred in which crimes had been committed with a design on the part of the perpetrators to be sent to the penitentiary; but such was not the case now. Solitary confinement and hard labor were punishments sufficiently severe, to deter even slaves from the commission of offences which would subject them to such inflictions.

Mr. PEARCE said, he did not rise to protract the debate, and regretted the necessity which existed, requiring him to trouble the House with any remarks whatever. It will be recollected [said Mr. P.] that the committee who reported this bill, (and a majority of them are from slaveholding States,) were opposed to this amendment. The chairman of the committee [Mr. POWERS] informs us it did not receive his sanction, and does not come here under his auspices. But the Committee of the Whole House have adopted it, and we must now either adopt or reject it. The amendment prefixes the word free to the word

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persons, so as to make the bill read all free persons, instead of all persons, as the same was reported, who shall be liable to penitentiary punishments. What will be the operation of the amendment? Sir, the slaves of the District will be left to the same punishments, after this bill, with the proposed amendment, becomes a law, they are now liable to. Yes, sir, to the sanguinary codes of Virginia and Maryland, not as they now exist, but as they did exist thirty years ago, when the ten miles square were ceded by those States to the General Government. We learn from the annual report of the trustees of the penitentiary in the District of Columbia, that there are in the county of Washington fourteen capital offences, and in the county of Alexandria they are still more numerous. I shall not stop to inquire whether any state of things would have called for such a code. It is sufficient for my purpose, if we legislate at all, that our acts should be in reference to a general amelioration of the people here, and not a portion of them. Within the last thirty years, the laws of both Virginia and Maryland have been altered, and rendered less severe than they were thirty years ago; and the consequences of this amendment will be, to leave the slaves of the District of Columbia liable to the punishments under the laws as they now exist; laws not now in force in any State in this Union. This I will not agree to; and my opposition is not only to the manifest injustice to a portion of the people here, but to the free people who may, and who have a right to, visit this District, whether prompted by curiosity or considerations of business, which here they have a right to carry on. What is the situation of the free black? and what are his liabilities when he visits the city of Washington? The free black of the State of New York, free there, not only because he treads the soil of freedom, was born free, and has those characteristics by which man differs from the rest of the animated race, his eyes turned towards heaven, living in a land where the legal presumptions in favor of freedom are as great and as generally acknowledged as are those presumptions in favor of innocence; the moment he reaches this city, he is *nigra facie* a slave. Yes, sir, the complexion which "an African sun might have burnt upon him" is in this land of freedom evidence of his owing service to some one, and creates such a presumption against him, as authorizes the magistrates and officers of the city to seize and commit him to jail. If he has friends, he need only lay in jail until he sends home, and by the aid of those friends procure such testimony as will be sufficient to satisfy the authorities here that he is a free man. If he is without friends, he must remain in jail forever, or be taken out and sold for his expenses, and sent wherever his purchaser may reside. This is not all. If he proves to the satisfaction of those in authority that he is a free man, he is still liable to be sold for jail fees and expenses incurred during the period of his confinement. These are the present operations of the laws of this District. All that I have supposed might take place, a very few years ago did take place, in relation to a free man of West Chester county, New York, one of the independent electors of that State, and a constituent of my friend over the way, [Mr. COWLES.] That county at that time appeared to be not insensible to this outrage upon one of its citizens, and the attention of Congress was called to the case. The Committee on the District of Columbia were instructed to inquire into it; but I am now under the impression that the investigation was postponed, under an assurance that, when a criminal code was offered for the District, existing evils would be remedied. Sir, another evil will follow this amendment. The advocates of it will agree that free blacks should be punished under the proposed law, the same as whites; but will this be the case? The free black is a slave until the contrary is shown. As a slave, then, he must be tried; as a slave he will be convicted; and as a slave he will be punished, consequently, under the exist-

ing laws, if he is not fortunate enough to be able, on trial, from among the by-standers, to prove that he is not a slave. It is not for me to say that it would be unreasonable or arbitrary in the courts, with this strong *prima facie* proof of his slavery about him, to deny him time to prove the contrary, when his request for time must be unsupported by any thing but his own declarations; and here let me remark, that, as he is *prima facie* and presumptively a slave, his declarations cannot be received under oath. It appears to me, [said Mr. P.] that the tendency of this amendment will be such as to leave every colored person, whether bond or free, and wheresoever born, to the punishments of the existing laws, and to exclude them from the general operation of the law now under consideration. I solemnly declare, before God and man, I have no wish to interfere with the rights and obligations of master and slave; if called upon to declare my sentiments upon the abstract question of slavery, I should not be unwilling to make a declaration of my sentiments; but we are bound, in legislating for the District, to look to the effect and consequences of our acts; their bearing and operation upon all the people of the United States. Dissatisfied as I am with the present laws, I had rather further legislation should be altogether withheld, and the people of the District left to their fate, than participate in any kind of legislation that will warrant an inference that any of the criminal laws of the District meets my approbation. A few words in reply to gentlemen who have advocated the amendment, and I will cease from troubling the House with further remarks. They seem to suppose, that, because this District was carved out of States which, at the time of the cession, were, and now are, slave-holding States, it must be always treated as a slave-holding territory; that we are never to look forward to that period when slavery here is to be extinct. Sir, this District was not made a slave-holding territory by any act of the General Government; and the recognition by that Government of slavery in this District was not from any approbation of the system; it was the necessary result of that state of things which existed at the time of the cession. And because slavery did here exist at that time, (the cession having been made for the benefit of all the States,) have not all the States a common interest in the District? and, whenever it can be done without interfering with private rights here and elsewhere, will not the extinction of slavery here be an event equally desired by all? I am surprised to hear gentlemen coming from the slave-holding States say that punishment, by confinement in the penitentiary, will be to slaves no punishment at all! What is the imputation which this declaration renders them liable to? That slavery has such evils, and is attended with such privations, that confinement in the penitentiary so far ameliorates its condition as to make it desirable. Softened as those evils are in every part of the country, to the eternal honor of gentlemen living in certain portions of the country be it said, I am unwilling to believe there is a gentleman in this House from any one of the slave-holding States, who is prepared to admit this to be the case—that to punish slaves, nothing short of corporeal punishments can be effectual; that the slave must be maimed, burned in the hand or face, his back must be lacerated and torn, "and torn again, before his wounds have cicatrized," to be made sensible that he is punished for his crimes. Sir, on this subject, I must be permitted to differ from gentlemen who have addressed the House. In my opinion, some of the slaves of the District have all the tender and endearing relations that are common to our race. They have wives, children, fathers, mothers, kindred, and friends, and a separation would be as heart-rending to them as to us; even a penitentiary would have its horrors. Another argument in favor of the amendment is this: send the slaves to the penitentiary; and you punish the master, not the slave, whose service he is deprived of during the slave's confinement; the same argument might as well be

used against all persons, apprentices, and others bound to service as slaves; and, if valid, would exclude from punishments one-half of our population. But, sir, to my mind, the best reply to this objection is this: a greater evil to society would follow, than the one complained of to the master, if he should be paid for the services of his slaves while suffering in the penitentiary for their crimes. He would not have that interest which otherwise he would have, to superintend the morals of his slaves, watch over their conduct, and direct them to the paths of rectitude. What would be his indemnity in one case, would be the community's loss. In all cases of conflicting interests, the lesser must yield to the greater. Partial evils must be borne for general good. We are told that the punishment of slaves by this confinement will lead to an increase of crimes on their part. In further reply, I can only add, that the whole penitentiary system is an experiment.

The community is divided in regard to the expediency of penitentiary punishments; and, in making the experiment, I am not disposed to make the distinction contended for between freemen and slaves.

Mr. WICKLIFFE said that he had, by the amendment which he had heretofore offered, designed to confine the operation and provisions of this bill to offences committed by free persons. The House had determined, by its vote to-day, that the slaves of this District, convicted of petty offences, should be taken from their masters, and confined in the penitentiary for two years and longer, and thereby deprive the masters of their right to property. He now rose to invite the attention of the House, and particularly the committee who reported this bill, to the fourteenth section, which he read as follows:

"That every other felony, misdemeanor, or offence, not provided for by this act, may and shall be punished as heretofore, except that, in all cases where whipping is part or the whole of the punishment, the court shall substitute therefor imprisonment in the county jail for a period not exceeding six months."

He would offer no amendments; but would inquire of the committee if, by this section, it was intended to confine in the county jail for six months the slaves in this District, for any trivial misdemeanor which the policy of the laws of every slave-holding State or community had heretofore punished summarily with stripes, which he understood to be the laws of this District now in force. Suppose [said Mr. W.] the slave of the planter in Prince George's county shall be sent, by his master, to markets within the District, and he shall commit a riot or some misdemeanor, which, by the existing law, is punished with stripes, is it right that the slave should be taken from the master, and confined six months in the county jail at the expense of the owner or the public treasury?

Mr. P. P. BARBOUR said that the present bill, and the amendment which had been proposed, involved some considerations of a general character, which were more important than seemed to be thought by many gentlemen in that House. God forbid that he should for a moment advocate any system for the treatment of slaves, not only that was severe or oppressive, but which was incompatible with the utmost possible degree of lenity which the condition of those unfortunate people would admit. But legislation, in its very nature, and according to the import of the term, required that all laws should be adapted to the subject on which they were to operate. Those laws dealt with men in various situations; and under very different circumstances from each other; and both wisdom and justice required that the law should be adapted to those who were to be the subjects of it. With every disposition to practise the utmost lenity and forbearance, he could not view it as proper that the slave and the free white man should be both subjected to precisely the same punishment. What was the object of punishing at all? It was not the infliction of public vengeance. Its

only legitimate and proper purpose, according to the doctrine received by every civilized nation, was the prevention of crimes. Punishments address themselves to various feelings and principles in man. Sometimes they were directed to the dread of death, sometimes to the dread of shame, sometimes to the love of property, and at others to the love of freedom. In that gradual amelioration of the penal code which distinguishes the present era of the world, the penitentiary system had been substituted for capital punishments; but many of its warmest friends, men of the mildest temper, and most compassionate disposition, after some experience of the plan, had begun to entertain strong doubts of its expediency, even as applied to whites. He might be permitted to state a fact which he had heard had occurred in Virginia, and which had a strong bearing on this subject. Some very degraded white person who had been confined in their penitentiary, the moment the period of his imprisonment had expired, and he was liberated by due course of law, immediately and openly committed some one of those minor offences which were punishable by penitentiary discipline, and this with the avowed intention of getting back to his old quarters. Let gentlemen look for a moment at the situation of a slave; at the small advantages he possessed for either intellectual or moral culture, and then say whether he was to be put upon a par, as to the regulations of society, with those whose situation was so widely different. It was in vain to complain of such a state of things. Humanity, morality, even religion, might lift up their voice, but they could not remove the evil. Slavery existed, and it was for a legislator to look at things as they were. How then were slaves to be operated upon? It was proposed to punish them by confinement at hard labor. Now, as to labor, that was the daily and almost constant occupation of a slave. It was his lot already, and to threaten him with labor was to hold up almost no threat at all. That motive was as nothing. Would gentlemen then appeal to his moral sensibilities? It was melancholy, but it was true, that the very condition of servitude itself had a powerful and invariable influence in degrading the moral sensibility of all those who endure it. On that subject, he might quote the language of the poet:

"Jove fixed this certain: that whatever day
"Makes man a slave, takes half his worth away."

Servitude, in all countries and ages, has been found to exert a powerful effect in blunting the moral sensibilities of men, so that they did not feel the same sense of degradation under punishment, as others do, who never were in bondage. They did know it to be a fact, that in a large majority of cases the sense of degradation was not sufficient to put down crime. Now, when the whole object of punishment was to prevent crimes, an appeal was to be made to one or two principles only: when no other feeling was to be consulted but the dread of labor and the dread of shame, would the House pursue a system of legislation which they had every possible ground to believe was not adequate to its end? As to this colored population, it might reasonably be supposed that those who had had most to do with them understood best how they were to be managed. Let gentlemen go to Virginia, or to Maryland, to any slave State in the Union; was there one whose scheme of criminal policy toward slaves was based on the idea of their dread of degradation? He did not know of such a State. Experience, that surest and safest guide, where it could be reached, should ever be consulted and heedfully regarded; and all experience in this matter spoke but one and the same language. Mr. B. said that there was not a feeling in his heart, that did not revolt at the very idea of any cruelty or oppression toward those unhappy people. But if gentlemen would rely on mere speculation, even speculation itself, if based on true philosophy, would teach any man that a state of slavery had a natural, necessary, and inevitable tendency to degrade the subject of it, and to efface those finer sensibilities to which a dread of shame addressed itself. Such

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a fear would never prove, with respect to slaves, a motive of sufficient strength to restrain them when disposed to crime. Every aspect of the subject conspired to prove the expediency of adopting the amendment. After that had been adopted, Mr. B. said he should be prepared to agree to the mildest code, in respect to slaves, which the good order and safety of society would admit.

WEDNESDAY, APRIL 28, 1830.

THE MAYSVILLE TURNPIKE.

The House proceeded to the consideration of the bill authorizing the subscription of one hundred and fifty thousand dollars to the stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company; when

A motion was made by Mr. MALLARY, that the further consideration of the said bill be postponed until Monday next, with the view of taking up the tariff subject; but the motion was disagreed to.

Mr. FOSTER rose, and said, that, if this were the only bill of the kind to be presented to the consideration of the House, he would rather suffer it to meet its fate at once, than to delay the time of the House by any remarks of his. But there are now on our calendar nine or ten bills of the same character, and he felt it his duty to warn gentlemen against the danger of establishing the precedent—it will only be the commencement of a system which promises to have no end. The applications of this kind, which had been made during this session, showed the tendency of this system of legislation. It has only been within a few years, he believed, that Congress had ever authorized subscriptions for stock in canal and turnpike companies; but, having done so in a few instances, others have been encouraged to apply. Sir, [said Mr. F.] some of the petitions now on your table would never have been dreamed of, had it not been for the aid you have given to the Chesapeake and Ohio canal, and a few others. But these applications having been thus countenanced by Congress, other companies think they have the same right to call on you for assistance. And have they not? Can you grant to one, and not to another? How will you discriminate? You cannot. The State Legislatures will incorporate companies for objects of internal improvements, whenever applied to; and if you take stock in a company of one State, you must do so in that of another; and thus there will be no end to the appropriations necessary to meet the calls that will be made upon you.

The road now under consideration is to extend only sixty miles; but we have been already told that this is only the middle link of the great chain that is to extend from Zanesville, in Ohio, to Florence, in Alabama. What then is to be the direct and almost necessary consequence of passing this bill? It requires no spirit of prophecy to predict. In a short time, a company will be formed, and incorporated by Ohio, to extend the road from Maysville to Zanesville. Other companies will be incorporated by Kentucky, Tennessee, and Alabama, to construct the portions of the road lying within those States from Lexington to Florence—and then come the applications of all those companies to take parts of their stock. And can you refuse?

But again, sir: Authorize this subscription, in a few days the bill to aid the Baltimore and Ohio railroad will be presented for our consideration. That is a great work—and we shall doubtless be told it is one of national importance, too. Next comes the Charleston railroad—and upon the heels of that the Ogeechee and Altamaha canal, with several others. All, he supposed, national works; and all having equal claims (some of them perhaps stronger) with those of the road now under discussion. Do not gentlemen see [said Mr. F.] that they are embarking in a system of legislation to which there is no limit? Mr. F. had also constitutional objections to all bills of this character, but

he should not urge them, because he was satisfied that a decided majority of the House believed it was competent for Congress to make appropriations for internal improvements. He, however, understood this same majority to limit the exercise of this power to objects strictly national. Mr. F. was not certain that his mind was sufficiently discriminating to distinguish between national and local objects—but certainly if there could be a public work projected which was not national, it was this very road. A national road from Lexington to the Ohio river! A road on which no troops are to travel—no munitions of war to be transported; and which, in a word, is to answer no national purpose whatever. The idea is absurd; and he begged the House not to be misled by the character sought to be given to this work.

There was another circumstance to which Mr. F. wished to call the attention of the House. The stock of this company (in which we are now about to make the Government a partner) is divided into three thousand shares, and Congress is petitioned (and the bill so provides) to subscribe for fifteen hundred shares—just one-half of the stock. Now, if we so far yield as to sanction this application, the work will be commenced; and should there be any difficulty in disposing of the remainder of the stock, the company will again look to Congress. You will then be told, that, as you have already invested part of your funds, you certainly will not see the enterprise fail, and subject the nation to loss, when it can be so easily prevented by additional contributions: and thus in a short time companies will project works of internal improvement, obtain from their State Legislatures acts of incorporation, and Congress must supply the means of accomplishing the object. But we have been gravely told that the proposed subscription will be a profitable investment of our funds. Now, can any gentleman seriously believe [said Mr. F.] that the proceeds of this road will ever reimburse the treasury the advance it is designed to make? To him the idea was visionary and extravagant—and he could not consent thus to put to hazard the funds of the nation. Mr. F. was no enemy to Kentucky—quite the reverse; he wished success to any work which would promote the interests and prosperity of her citizens—he hoped that this road, which was considered of so much importance to them, would be completed; and that the association under whose direction it was progressing would more than realize the great profits which were anticipated. But he repeated his protest against engaging the Government in such speculations—he hoped that the House would reject this bill, and thereby proclaim to all our citizens that they need not project works of internal improvement, with the expectation that Congress will furnish the means of executing them. It is only by this prompt and decided course that we may hope to arrest a system, which, if long pursued, will bankrupt our treasury, and ultimately subject our people to the most grievous and oppressive taxation.

Mr. COLEMAN said that the importance of this subject was deeply felt in the State of Kentucky, and particularly that part of it which he had the honor to represent. This bill was introduced [said Mr. C.] upon the petition of a very large and respectable proportion of my constituents; and the road contemplated to be improved, passes through three of the four counties of my district. A number of our patriotic and enterprising citizens have entered into an association for the purpose of acquiring and diffusing information on the subject of internal improvement in the West; and they have, at their private expense, procured the aid of one of the ablest and most experienced engineers in the Union, by whose exertions they have been enabled to lay before Congress a full and satisfactory report, and map, exhibiting the benefits to be derived from this improvement. The Legislature of the State have given an unqualified approbation of the undertaking, and have authorized a subscription of stock, which, considering the state of the finances there, is gene-

rous and liberal. These circumstances, evidencing the intense interest of the people and the State, will, I trust, justify me in the few remarks that I may present to the consideration of the House.

This is the first application which the State of Kentucky has ever made to Congress for aid in the construction of her internal improvements; and I did hope it would be permitted to pass without discussion. This violent effort to prevent the passage of this bill, by urging its unconstitutionality and impolicy in debate, was not necessary to show to the world what are the opinions of southern members on this subject. From the tenor of the argument, I am sure the gentleman from Georgia [Mr. FOSTER] did not expect to change the vote of a single member. Why has it been thought necessary to oppose so vehemently this measure, carrying great advantages to the West? Why demand so imperiously a demonstration of its nationality? Is it because of that peculiar kindness of feeling on the part of the South towards the West, boasted of not long since? Or, is it to encourage a scrupulous investigation of all propositions which may arise here, requiring the public treasure to accomplish an object which is confined to a State in point of locality? I trust that gentlemen may be prepared, when they may be called upon, to justify the expenditure of millions for Georgia, when they refuse one hundred and fifty thousand dollars, in profitable stock, for the aid of Kentucky.

This is no new project which we have under consideration. The Congress of the United States have long since settled the principle of this measure. We have subscribed stock in the Dismal Swamp Canal Company; in the Delaware Canal, the Chesapeake and Ohio Canal, and in the Louisville Canal Companies. But gentlemen say, every inch of the Maysville road is in the State of Kentucky. How can it be national? I answer, every inch of the Delaware Canal, sixteen miles in length, is in the State of New Jersey; and every inch of the Louisville canal is in one county, nay, I believe in one city. How can they be national? Yet Congress have subscribed for stock in both of them. I have said that this is the first application for the interest of Kentucky. I did so, sir, because the funds applied to the Louisville canal are not so much for the benefit of that State, as for that of Pennsylvania, Virginia, Ohio, Indiana, and other States. In truth, sir, it operates against Kentucky, because it operates against Louisville, our most important commercial city.

Nor does this work, now under discussion, promise exclusive advantage to Kentucky. If accomplished to the extent contemplated by this bill, it will greatly conduce to the interests of Ohio, and all the States situated westwardly of us. We claim some attention from this Government; we contribute largely to fill the public treasury; we, in other respects, perform our part as a member of the confederacy, and can see no reason why our interests should be overlooked. Not as a gratuity, but as a right, we ask it.

Not content with the establishment of the principle heretofore, gentlemen insist upon a re-argument of the question: I do not consider it a difficult task to evince the nationality of this measure; but I do regret the necessity of consuming the time of this House in the discussion of a question which has been repeatedly settled heretofore.

Am I wrong, when I suppose the States of this Union to be members of the same great family; and that to promote the interest of any one in relation to an object which is national, should be desired by all the rest? I take it, that the Federal Government is one, yet composed of various parts; and that whatever tends to ameliorate the condition of one part without oppressing another, or others, ameliorates the general condition of the whole. From this position, which appears to me to be as evident as any argument can be, which may be adduced to prove it, I infer, that a permanent improvement erected in any

one of the States, is, to a certain extent, a national benefit. For purposes which the General Government has deemed national, three great road routes have been projected. One from this city, the seat of the General Government, to pass through Maryland, Pennsylvania, Virginia, Ohio, and so on, until it strikes the Mississippi above the mouth of the Missouri. Another from Buffalo, through this city, to New Orleans; and a third to connect the two former, branching at Zanesville on the one, and uniting with the other somewhere in the State of Alabama. This last mentioned route passes through Chillicothe, on the Scioto, crosses the Ohio at Maysville, passes through Lexington, through Nashville, on the Cumberland, and through Florence, on the Tennessee. These points are known to this House to be places of great importance, and situated on streams admitting of fine navigation. Perhaps, sir, the most important part of this route is that between Maysville and Lexington. If the main route be national, (and I do not understand that any deny it,) this part, as a part, and with an eye to its extension, must assume the aspect of nationality; and every argument in favor of these great roads is equally applicable to each and every part of them, and especially those parts which are immediately connected with our navigable streams.

Recollect that if ever again this country shall be visited by the awful calamity of war, that war must unfurl its banners on the sea coasts, or on the shores of our northern lakes. If on the latter, as was the case in 1812, this road will again become an important military road. Your troops, I mean national troops, sir, your munitions of war, your provisions for your army and navy, must be transported along it, at least as far as the Ohio river; and thence, by land, to the lakes, if circumstances are favorable; but if not, by ascending the Ohio a few miles, you may avail yourselves of the grand canal through the State of Ohio. Or, if attack be aimed at New Orleans, and recent occurrences evince that that may be the case, a road from the interior of Kentucky to the Ohio river is equally important, if the services and supplies of that State are important to our general defence.

The right to erect fortifications, in time of peace, for the common defence, is assumed, and rightly so, by southern gentlemen. Are fortifications more efficient means of self-protection than good roads, over which, with the rapidity of thought, your infantry, your cavalry, your artillery, your peasantry, in the form of militia, may be carried, from point to point, as emergency may require? How many fortresses, strong and costly, have been yielded up to the enemy, because of the impossibility of sending to their aid in time reinforcements of soldiers, with arms and ammunition, the best of all fortifications? A right view of this subject will show us that the very best means of defence is to make your great highways good; so that in the shortest period of time, and at trifling expense to the Government, the whole energies of the country may be concentrated to any one point which may be exposed to danger from attack. And, sir, the accepted time to do this, is, when we are at peace with all the world, and when our coffers are full. We shall always be more secure in the enjoyment of the blessings of peace, when we are in fact, and when the world knows us to be, prepared at all points for a state of war.

The road under consideration is a part of the road from one important commercial situation on the Ohio to another still more so, if possible. The road from Maysville to Louisville, passing through Paris and Lexington, two important manufacturing towns; through Frankfort, the seat of Government, and Shelbyville, is doubtless the most important road in the State of Kentucky, and perhaps equal to any of the same extent in the western country. A very great portion of the goods, salt, iron, and other articles consumed in the State of Kentucky, is landed at Maysville, or Limestone, as it was called in the early settlement

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of the State, and thence seeks a land transportation to the interior. A vast quantity of the produce and manufactures of the interior is brought to this place, to be shipped for New Orleans; and when the Ohio canal shall be completed, the quantity will be much greater, as much produce will be sent to the North through that canal and the lakes.

All the groceries used above Louisville are landed at that city and Maysville, and from those places seek a conveyance to the interior along this route; and the produce and manufactures of a very rich country are shipped at Louisville for this lower market. In truth, sir, the quantity of produce and goods transported upon this road, and the travelling thereon, equal those on any road in the western States; I might say in the United States. I furnished my colleague [Mr. LETCHER] on the Committee on Roads and Canals, an accurate estimate of the travelling on this road, near Maysville, for thirty days, several of which were unfavorable, in consequence of inclemency of the weather. This table shows that, in that period of time, the number of persons that passed was nine thousand four hundred; of horses, twelve thousand eight hundred; and wagons and carts, one thousand five hundred and seventy—making an average per day of three hundred and seventeen persons, four hundred and twenty-seven horses, and fifty-two wagons, besides stock, carriages, &c. I refer gentlemen to the report of the United States' engineers, (Long and Trimble,) made during the session of 1827-'28; in which they say that the road from Maysville to Lexington is more travelled than any other of the same extent in the State of Kentucky. These facts are evidences that the stock of this company must be good. From the best information which I have been able to obtain, it must yield six or eight per cent. clear of all contingent and current expenses for repair. It will be borne in mind that the report of Mr. Williams, which I have had laid on some of your tables, as well as that of the United States' engineers, shows that the abundance, convenience, and durability of materials for constructing a road, justify the idea that the work can be effected at comparatively little cost, and that, when constructed, it will require but a trifling expense to keep it in repair for many years. If these facts do not incontrovertibly evince the commercial importance of this road, I acknowledge my disability to comprehend what is entitled to these appellations; and they show that these advantages may be obtained at a very inconsiderable comparative expense. If Congress have not the power to create for this nation such commercial facilities as are contemplated by the bill, then am I at a loss to know what rights were designed to be given, under the power to regulate commerce among the States.

This road is the great national mail route from the East to Kentucky, and all the States west and northwest of us. But, sir, what is your mail? Is it a national or a State concern? or is it of any consequence to either? I may differ with gentlemen on this subject, when I suppose the mail establishment appertains to the General Government, and that it is the most valuable department of the Government. It cannot be denied that whatever contributes largely to diffuse information among the people, on the interesting subject of manufactures, arts, literature, commerce, agriculture, and our political relations, is richly worth the attention of this House, wise as it may be, or be supposed to be. In a country where the Government depends upon the will of the people for its efficiency, and their intelligence for its beneficial influences, is it not a consideration of deep magnitude, to liberalize that will, and enlarge that intelligence, to the greatest extent of which they are susceptible?

In my humble conception, nothing can so largely conduce to the accomplishment of these ends, as the constant, I may say daily, intercourse which takes place among all parts of the United States, through the agency of our mail

establishment. Sir, as your population presses onward and onward, the same wise policy which first induced the institution of this department, will require its extension. You must keep up that intercourse among all parts of our vast country, especially in the new; because, in a social, commercial, and political point of view, it is essential to our existence. Much has been done in this respect. In 1795, we had seventy-five post offices, and eighteen hundred miles of post road. Now we have eight thousand four hundred post offices, and one hundred and fifteen thousand miles of post road. An immense improvement in the system! Yet, more may be done with ease and advantage. We can yet aid the Postmaster-General to render his department still more useful, by improving the condition of our great mail routes; thereby expediting its progress, and diminishing the cost of its transportation. These, of course, leave more time and means to supply those parts of our common country which are now totally without, or, if supplied at all, to a very partial extent. I feel authorized to say that the saving on the transportation of the mail between Lexington and Maysville would approximate very nearly the interest on the sum now asked, independent of the increased celerity, and all its consequences. And it should be recollected that the chief advantage which the Government proposes to derive from the post office establishment, is not the saving in dollars and cents, but such advantages as would have induced its adoption, if it had been a dead expense to us to the extent of its income, which, I believe, is adequate to defray its vast expenses; advantages which, like our health and our freedom, we are not apt duly to appreciate, until we are deprived of them. Let this country be deprived of this great engine of intercommunication, and we shall, by the contrast, be able to place a proper estimate upon its value, and the high national importance of its utmost extension. In relation to this particular road, let me say to you, that for several months in the year it is impassable. Your stages are obliged to leave it, and seek a passage through farms, and along unfrequented ways; thereby subjected to innumerable delays, difficulties, and dangers. Convinced of this marked inconvenience, the Legislature of Kentucky, aiming at a removal of the evil, has subscribed for stock in this company. Will this Government, infinitely more able, to whom the regulation of the mail particularly belongs, refuse to contribute her portion to this work, when, in its accomplishment, more benefit will accrue to the General Government than to the State, or to individuals through whose landed estates it may chance to pass? It cannot be that this Government will use the road daily, contribute to render it impassable, and withhold its mite to repair and amend its condition. Sir, the sum now asked is but a mite, when compared to the immense sum annually expended on that road in the labor of our peasantry.

Let me present another view of this subject. We have repeatedly heard that the public lands were pledged to pay the public debt, and that the debt was burdensome. I infer from that fact, that the lands are relied on as a source of revenue. It is not necessary for my purpose to discuss the propriety of throwing them more rapidly into market, reserving them, or pursuing the present system. Suffice it for me to know that the Government is converting them into money as fast as practicable, to extinguish the national debt, and to aid in defraying our current expenditures. It must be important, with this object in view, that the value of our lands should be augmented in the increase of the price, or in the inducement to a prompt and ready sale. They are now a dead capital on our hands, since the millions of acres which are unsold yield nothing to the Government, and are free from taxes. If they were immediately sold, not only could your national debt be paid off promptly, but a sum would be left in your treasury, which, if properly funded, would accomplish very desirable objects.

Can any plan be devised to effect this more certainly

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than to remove the obstacles in reaching those lands? Make it easy, convenient, and cheap, to visit your new countries, to remove families to them, and you present new and powerful inducements to purchasers. Recollect that many of our fellow-citizens are poor, and in the North and East earn a precarious livelihood by daily labor. Such men will become purchasers of your lands—domiciliated citizens beyond the mountains, independent cultivators of the soil, if you will make it practicable to get to those lands. But, in the present condition of the roads which lead in that direction, the expense of removing a family is so great that it forbids emigration to the poor.

Here another view of this subject, distinct in its importance, yet intimately connected with the sale of our public lands, suggests itself to my mind. It is the encouragement of western population. Warm has been the contest whether the North or the South, by general legislation, has contributed most to the population and prosperity of the western States. If western population ever was a subject of national importance, I presume it has never lost it, and that it still is a subject of general legislation. Every writer on political economy—every politician, theoretical or practical, has treated the increase of population as a matter of primary magnitude. It will not do at this advanced period to resort to argument to prove that the population of a country is its wealth; its population, enlightened, liberal, brave, and intelligent, its chief defence, its greatest honor. These are political axioms, which do not require either argument or illustration to force them upon the mind. They are taken as self-evident, and used to elucidate other positions; and allow me to use them for that purpose on this occasion. I take for granted that this Government does not look with an eye of indifference on western population; but that whatever will promote it, will be considered natural in its aspect. What inquiry is left? None which involves the power of the Government to act; but simply one of expediency. I trust that our friends from the North and the South will embrace this favored opportunity to evince the sincerity of their attachment, and the earnestness of their professions of kindness. The whole West is looking to this measure, small as it may seem to some gentlemen, with intense interest, because it will be the spring to a new era there. Our object is to encourage population, and to dispose of our public lands; and the question is, how shall these be accomplished? I have endeavored to show that the most efficient plan will be to afford facilities in the progress to your fertile and productive lands in the West; in other words, improve the great highways which lead in that direction. I shall have done with this part of my subject, when I present one illustration of its constitutionality and policy. We have a right to set apart every twentieth section of our public lands for opening and improving roads to and through them, for the convenience of the settlers. Because that amount, expended in this way, enhances the value of the residue, of course, operates as a bounty upon the purchaser, and increases our population and wealth. This would be an authorized exercise of power, and no doubt can exist as to the wisdom of such a measure. Let us then suppose that the twentieth sections are sold—the proceeds in the treasury, having the same objects in view—population and sales of public land—will it not be equally authorized, and equally wise, to appropriate the proceeds of the sales to the same purposes?

From the consideration of lands, I pass to their productions. Important as are our manufacturing and commercial interests, they must yield to the agricultural interest of this country. I assume this position, not having time to illustrate and demonstrate its correctness; and propose to deduce from it some evidences favorable to a system of internal improvements west of the mountains. The inducements to an agricultural life are manifold—ease and independence, freedom from turmoil and excitement, abun-

dance and contentment. But the master spirit which stimulates to this, as to most other pursuits, is profit. Certainly it is, of all other employments, most favorable to virtue, independence, and to freedom; therefore should command a favorable consideration. If the prices of produce do not justify cultivation to a greater extent than will suffice for the wants and necessities of life, no more will be produced; and farming, as an occupation, must decline. If, however, the prices promise to pay a rich reward for his labor, the farmer will be content to grow merely what may supply the necessities of life. He has an incentive to extraordinary exertion, and, in obedience to it, calls all his energies into action. The first consequence is increased industry, which is followed by increased productions, and a bountiful augmentation of profits.

But your most fertile soil is remote from your sea coasts and from your navigable streams. High prices cannot operate as a stimulant upon the cultivator of the interior. The cost of land transportation to market, or to a navigable water, consumes all his profits. He cannot come in competition with those more favorably situated for market; and he abandons the idea of cultivation for market, and not unfrequently altogether. In this way, your very best lands lie uncultivated and neglected. If you progress in the system of which this bill is a part, an important part to the western States of the Union, you will diminish the cost of transportation, and, to that extent, increase the profits of the agriculturist, and bestow a bounty to the pursuits of husbandry. You will extend to the interior regions some of the advantages enjoyed by those who reside near the sea coast and navigable streams; you will develop the productive energies of all portions of the United States; you will increase the amount of your exports, and distribute with the hand of equality the benefits of diffused wealth to every portion of your fellow-citizens; and, as a consequence of the whole, you elevate the character of that class of the community in national estimation, upon whom, in part, the country depends for the permanency of its political institutions. Here I am led, by a very natural association, to pay a passing notice to a work of internal improvement, the most brilliant of the age. I cannot be particular; but if I were called upon to select the work which is most useful to the United States, now in execution, I would select the Baltimore and Ohio railroad. Its utility, in two respects, is very striking to my mind. First, as a means of transportation between the ocean and the western waters, with all its commercial advantages, and then, sir, as a bond of union between the East and the West.

I have no doubt, and I judge from what mine own eyes have seen, that this work is to be accomplished, and that its realities are to be entirely equal to all the anticipations of its most sanguine friends and patrons. In this event, the productions of the valley of the Ohio are to be brought into successful competition with those of Frederick, Prince George's, and Anne Arundel, immediately around the flourishing and enterprising city of Baltimore. Not only will the cost of transportation be surprisingly diminished, but, what is very important to the cultivator, the time of sending his produce to market may be selected to suit his convenience, and the particular demand of the article he may produce for sale. Whilst the main object I have in view is to induce a subscription of stock in the Maysville road, peculiarly as a western improvement, I cannot omit (as this may be the only opportunity I may have) to express a sincere hope that the Baltimore road may receive that attention here, which a great republic ought to bestow upon a public work, whose magnificence is equalled only by its utility.

Before I resume my seat, allow me to take another view of this subject. I have been educated to place a high estimate upon the union of our States, and to desire its perpetuation. The impressions of this my early instruc-

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tion, proceeding from a source which, in every way, I loved to regard, have grown into fixed and unalterable principles. My judgment confirms them, and my experience and observation here have taught me that our ablest and best statesmen may be well employed in devising means to ward off all indirect attempts to weaken the bonds which unite us together. If I mistake not, this Government will find it prudent to encourage and appropriate funds to promote a more easy and expeditious intercourse between the capital of the United States and the capitals and commercial depots of the several States; and, further, to encourage a similar system among the several States, to connect more intimately their capitals and commercial cities; all, sir, with a view to the perpetuity of the Union. By increasing the facilities of intercourse, you bring about a contiguity which cannot otherwise exist. This contiguity and constant intercourse are followed up by a community of feeling, and, what is equally powerful over the human mind, a community of interests, accompanied by a conviction of mutual dependence, and an absolute necessity to promote mutual and reciprocal prosperity. This system of advancing internal intercourse, with consequences so happy and important to the Union, will not be deserted, because experience will never teach us that the people of the United States will be more free, more secure, or more happy, under any other form of government than under this, established by the wisdom of patriots hitherto unequalled, and consecrated by some of the best blood of the revolution.

A question involving the sovereignty of the States cannot arise or be made to bear upon this measure. The Legislature of Kentucky, by a solemn act of sovereign power, has invited the General Government to unite with them and with individuals in the accomplishment of this work. I trust, sir, that this Government will not be so disrespectful to that sovereign State, as to defend her sovereignty against her own encroachments. Having endeavored to show that this subject is worthy the attention of Congress, and to prove that the objects which it is the intention of this bill to accomplish are national in their character and aspect, and that it is due to Kentucky and the whole West that this measure should be promptly adopted, I hasten to conclude.

I come not here to eulogize Kentucky; but I am proud of my native country. She has contributed to fill the treasury of the United States, by consuming those articles which bear a duty, and has received none of the public funds. She has been liberal in promoting internal improvements in other quarters of the Union, but has never felt jealous of the prosperity of other States, or complained of a neglect of her condition and her interests. She has not withheld her vote in the appropriation of thousands for the erection of light-houses, the improvement of harbors, and other objects on the seaboard, from Maine to Georgia. And while these immense sums are cheerfully given by Congress to other parts of the country, will it be generous, will it be just, to refuse to the West this pittance, which is to give new life and energy to those States and the people, on this subject vitally interesting to them? The West, sir, is not the least valuable part of our country, nor is it the least extensive. It will sustain an immense population. Sooner or later, it will have it; and then, sir, it will wield in this capital an influence which the North and the South may be willing to conciliate. Not only in these respects has Kentucky been a faithful sister in the republic; she has, under all circumstances, promptly obeyed the country's call. Her hardy sons have felled the proudest forests in North America. They have converted the land of blood into beautiful and variegated gardens of cultivation. When few, they took a savage wilderness, and have given you, after indescribable privations and sufferings, a rich and productive State, full of citizens and soldiers. When seamen's rights were invaded, and the

American flag insulted, they stopped not to quibble about the nationality of the injury or of the insult, but dropped their peaceful implements of husbandry; and though no hostile foot trampled their then blooming fields, they seized their swords and rifles, quit their happy homes, and rushed to scenes of strife, and blood, and death. None fought more boldly, none bled more freely, none died more nobly, than the generous sons of Kentucky, in defence of national rights and of national honor. But I need not dwell upon this theme, so gratifying to a native of that patriotic State. The part my countrymen have borne, is well known to the nation. It will be admired, if not appreciated, in this assembly.

I have now said what it was my duty to say on this question, so vitally interesting to Kentucky. I have performed the duty with much pleasure, arising out of the concern I myself feel in its success. More I should have experienced, if I could have believed that I did not trespass on the patience of the House. Conscious of my inability to edify or to instruct, even to a tolerable degree, I feel grateful to those who have kindly heard me through. As the representative of a populous and patriotic district, I appeal to the justice and generosity of Congress—impressed with the belief that both will be extended, if the case made out will justify. I feel convinced that my course is a correct one, else I should not have uttered one word on this occasion. I disclaim any system of legislation which the constitution does not authorize, and which, in my humble opinion, will not advance the honor and welfare of my country.

Mr. POLK addressed the House. It is [said he] with some reluctance that I feel myself constrained, by a sense of duty, to call the attention of the House more closely than it has been done, to this bill, and to the facts connected with the road which it proposes to aid in constructing, and then to submit to the friends of internal improvements themselves, whether even they, according to the principles which they profess, can give it their support. I am not about to detain the House with a speech upon the subject of internal improvements generally. A few days ago, pending the discussion of the Buffalo and New Orleans road bill, I had the honor to present to the House my views at some length upon this subject. I shall not now repeat what I then said. The friends of this system profess to apply the means of this Government only to objects of national importance. Is this road national in its character? What is the proposition before us? It is that Congress shall subscribe one hundred and fifty thousand dollars in the stock of a private company, to construct a road sixty miles in length, leading from one town to another in Kentucky. Every foot of the road lies within the interior of Kentucky. I put it to the friends of this system to say if it is a national work. If it is, then every road from one court-house to another, in Kentucky or in any other State, would be equally national. Since this discussion was commenced this morning, I obtained from a gentleman from Kentucky a copy of an act of the Kentucky Legislature, incorporating the company to construct this road. What do I find? On the 29th of January, 1829, a company was incorporated by that State, to make a road from Maysville to Washington, a distance of five miles, and the capital stock of the company was twenty thousand dollars. That portion of the road, I understand, is completed, and toll gates erected on it. On the 14th of January, 1830, but little more than three months ago, and since we have been in session, another act was passed by the Legislature of that State, extending the charter of the company, so as to enable them to continue the road from Washington to Lexington, with an increased capital stock of three hundred thousand dollars. That act is brought direct to Washington; and now, sir, in less than four months from its date, we are very modestly asked to pay out of the public treasury one hundred and fifty thousand dollars, being one-half

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of the whole capital stock required to build the road. And for what purpose shall we do this? Does any man pretend; will any man insult our understanding, by telling us that we are to accomplish any national object by it? What, sir, a road sixty miles long, in the interior of one of the States, a national object, indispensable to enable the Government to carry on its operations in peace, or for defence in war! Does any one so contend? Can they so contend? Yes, sir, strange as it may seem, it has been so contended by a gentleman from Kentucky, through whose district it is to pass. He informed us that it was a national work, because [he said] internal improvements are so many ligaments which bind the States together in union. Sir, there is no more ardent advocate here for the Union, and for its perpetual preservation, than the individual who now addresses you; but let me tell the gentleman that if we have no stronger ties to bind us together, as brethren of the same family, than such schemes as this, then the Union is, indeed, but "a rope of sand." A little road, sixty miles long, in the interior of one of the States, important to bind us together in the Union! The idea is really amusing. But this road must be national and important, it is said, because it is to constitute a middle section or link in a much longer road—one from Zanesville, in Ohio, to Florence, in Alabama; a part of a great cross route, of which we heard so much in the discussion of the Buffalo road bill. Now, sir, from Maysville to Zanesville, exceeds one hundred and thirty miles; and from Lexington (the other end of this section) to Florence, exceeds three hundred miles. Now, what great nationality of character would this great road, of which this bill before us constitutes, as it is said, a link, possess? What important points would it connect for the purposes of war, for that is the standard argument always urged by the advocates of this system? Does it connect any military posts, or any points of military defence? At Maysville you are on the bank of the Ohio river, where there is steamboat navigation; and at Florence you are on the bank of the Tennessee river, where there is likewise steamboat navigation; and you propose to run a road on its whole length, parallel, or nearly so, with these rivers.

It is idle any longer to talk about nationality as applicable to this system. Any thing is national that gentlemen think proper to deem expedient. A road from a neighborhood tavern to a neighborhood mill is just as national, according to the doctrine we hear every day, as any thing else. The truth is, that any thing, and every thing, according to the modern doctrines, is national, by which the public money can be profusely expended and extravagantly wasted. That seems to be the only object important to be effected. The payment of the public debt is the last thing that some gentlemen seem to think of, when they are making indiscriminate appropriations of the public funds for improvements. Another gentleman, from Kentucky, informs us that this road is very important, and national, too; and, to prove it, he reads to us from a letter from a correspondent, the number of persons who have travelled upon it in a given time. The gentleman did not inform us how often the same person passed and repassed the point at which the enumeration was taken, on his neighborhood business. He did not tell us how many were going to mill, to church, or to the blacksmith shop. Are there not, I would ask the gentleman, twenty roads in Kentucky, that are much travelled, and equally important, and equally national, too, with this? Are not the roads from Lexington to Louisville, to Frankfort, or to Harrodsburg, much travelled? and, if that constitutes nationality, are they not national, too? And where, sir, will this doctrine stop, short of making all the roads in the Union out of the national treasury? I think I hazard nothing in saying that if there was no division of opinion in this House, upon principle, upon subjects like this; if there was an express grant of power in the constitution; if all were internal improvement men, and each project was examined

upon its own merits in a national point of view; there would not be found in this House twenty individuals who would vote for this bill. I doubt whether any but the immediate representatives of the districts through which it passes would vote for it; and I doubt whether even they would. But what do we see here every day? Whenever a proposition for internal improvement comes up, no matter what it be, visionary, extravagant, or ridiculous as you can conceive, an appeal is immediately made to the friends of the system, as it is called, and they are told, "you must vote for this; for if you do not, the system fails, and you cannot get an appropriation for some other projects in which your section of country is interested." The combination is complete; and this is what you call a system. Do I speak too strongly? Am I not borne out by the facts which have come under the observation of every gentleman here? It is almost useless to say to these gentlemen, if you are in favor of internal improvements, is that any reason why you should vote for every and all the visionary schemes that are presented here? Do we not see the friends of the system, in an almost unbroken body, voting for every proposition that comes before us? Why is this so? Each gentleman here, who has a road or a canal, or expects one in his section of country, votes for every other, however useless it may be, for the purpose of keeping up the alliance, so that all others may, in like manner, support his favorite project when it comes up. And this is what you call a system. Can any one deny that this is the practical operation of this thing, as we see it every day? Whenever the combinations of sectional interests of this kind, thus united in action together, shall constitute a majority, can any one fail to see the inevitable consequences? The treasury will be drained of its last dollar, and every project will be carried by means of a settled majority, each individual of that majority acting upon interested sectional feelings, and all voting for every proposition, whether it be useful or national in its character or not. There is another consideration connected with this particular bill, to which I would call the attention of its friends and of the House. Ordinarily, before Congress are called upon to engage in works of this sort, a minute survey and report upon the proposed work is required to be made by engineers of the United States.

Has even that been done in this instance? Two or three years ago, some gentlemen of the engineer corps rode through the country from Zanesville to Florence, and made to us a report of what they call a preliminary examination. That there may be no mistake about this, I beg leave to read from their report a single passage. It is as follows: "It cannot be supposed, nor was it intended, neither indeed was it necessary, that the details furnished by a preliminary examination, like that in which we have been engaged, should be attended with undeviating accuracy; nor were we supplied with the means of attaining it, in reference to any of the items contained in the tables connected with this essay. Nevertheless, the mode of exhibiting the characteristics of the several routes therein exemplified, is deemed more appropriate, and better calculated to give a clear and satisfactory view of their comparative advantages and disadvantages, than any other that has been suggested. To prevent the possibility of being misunderstood, we add, that the statements contained in the tables are to be regarded as mere approximations to the truth, rather than as facts; as the results of the most careful and attentive observation, rather than of actual surveys and measurements."

In this report of the preliminary examination, several routes and subdivisions of routes, as many as eight in number, I believe, are presented, all, of course, national. It is to have as many ramifications almost as the Buffalo road had. As a matter of course, these gentlemen of the engineer corps, who have done nothing more than ride through the country, and take general observations, con-

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sider each route as exceedingly national. And when, sir, did the engineer corps ever report against the nationality and expediency of any project, that they have ever been sent out to examine? I mean no personal disrespect to the gentlemen who compose this corps; but I must say, I have no confidence in any report they make. They are as much to be relied upon, as a body of men, as others; but their employment, their very living, depends upon a continuance of these surveys. They, perhaps, think it their duty to report favorably upon every project, to the Government which employs them. The fact we know, that they never report unfavorably, at least I remember no instance, to any project, however visionary or ridiculous. They have an admirable facility, too, of ramifying every object they examine into as many routes as possible, always taking special care to leave the advantages and disadvantages of the respective routes as exactly poised as possible, leaving the inhabitants upon every route to hope, and each section to expect, to obtain the work. I cannot, therefore, but say, that however much personal respect I may have for some of them, I have no sort of confidence in any report they make. But in this instance, if confidence were to be reposed in their reports, you are about to dispense even with this form, usually observed. The engineers themselves inform you that their examination has been preliminary; that they have made no actual survey; and they admit it to be imperfect. The gentleman from Kentucky, [Mr. LETCHER] aware of this difficulty, has exhibited before the House, with an air of great apparent confidence, a map of a survey of this section of sixty miles of road, which, he says, was made by a private individual employed by the company. We are asked, then, to subscribe stock to a large amount in a road which has never been minutely surveyed by an officer of the United States. You are about to dispense with this prerequisite, usually required by the advocates of the system, in such projects. I mention this to show the extent to which the advocates of this system are disposed to carry these projects.

Sir, I beg the gentleman from Kentucky to be assured that I have no feelings hostile to the interests of that State. It always affords me pleasure to promote her interests by my vote, when I can consistently with my public duty here. And I am persuaded, if the whole people of Kentucky could witness our deliberations, and see the practical operations of this system, and its consequences, that they themselves, being an exporting people, and paying their portion of the taxes, would not approve it. My only object, when I rose, was to call the attention of the House to this bill, and to submit to the friends of this system themselves, whether they can vote for it. I have done my duty; other gentlemen will do theirs.

Mr. LETCHER, in reply to Mr. POLK, observed, that considering the gentleman was taken unawares, that he did not comprehend the subject under discussion very well, and only intended to offer a few suggestions, he had made a pretty long speech. He did not himself know how it happened, yet such was the fact, that the most ingenious, labored, loud, and powerful efforts in that House were usually presented by gentlemen wholly unprepared. They came into the debate suddenly, felt a deep regret that duty compelled them to offer a few remarks, and by sudden and unexpected bursts of eloquence (as in the present instance) directed a most furious blow at some highly meritorious bill.

Sir, this mode of attack is becoming so very common, that it creates no sort of surprise, and no alarm. It ought to be received for what it is worth, and no more. The bill, I trust, sir, is not to be defeated by this or any other mode of attack. Let it be examined coolly and deliberately; let it be understood, and the result is not feared. Sir, I had indulged in the fond hope, that, after the long and vehement speeches, by which gentlemen had obtained

so much eclat, and self-satisfaction, and glory, in meeting and defeating the bill for the New Orleans road, their rage in some degree would have been satiated; but it seems, sir, I was mistaken; they come forth again to the charge flushed with victory, in pursuit of new honors, and armed, if not with new arguments, at least with increased zeal. Sir, they are unceasing and untiring in their efforts to prostrate every thing that looks like internal improvement.

It is true, sir, they have displayed much ingenuity in their opposition, but, perhaps, at the same time, a little inconsistency. Let us see how that matter stands. The New Orleans road was too long. The gentleman from Tennessee [Mr. POLK] said, in most emphatical language, we would find it a long and a lonesome road. What does he say to this? Why, that is too short. I should [said Mr. L.] really like to know the gentleman's true measure. How long must a road be, to secure his patronage?

The New Orleans road was a mud road. What! said the gentleman, after withholding your favors so long, do you intend to insult the West, by proposing to give them a mud road? Well, sir, here is one not too long, not of mud, (we have too much of that already,) but of hard, durable rock, upon the McAdam plan, and still he objects to this.

Again: When the other bill was under discussion, said the gentleman, why do you not first attempt to accomplish your end by individual enterprise? First put your own shoulder to the wheel, obtain the consent of the States, and thereby avoid all difficulties of a constitutional nature. All that is done, sir, and our shoulder is at the wheel, and we now call upon you to help us. Seventy-five thousand dollars have been subscribed by our citizens; and now the idea of the Government subscribing to aid a company of individuals, in making a road, is scouted, and indeed, sir, severely ridiculed by that honorable gentleman. He appears to think it not only dangerous, but ruinous. The State of Kentucky, sir, did not think so. She has gone as far as her limited resources will allow, by taking stock to the amount of seventy-five thousand dollars, as I have informed the House upon a former occasion. The bill takes particular care to guard against all imposition, by declaring that no money shall be advanced by the United States, until assessments and payments are first made by the State, and the individual stockholders. Where, then, is the danger, and the ruin, or even the possibility of a risk? Sir, the whole scheme has been laid before you; there is nothing concealed. It is fair, and honest, and praiseworthy, in every respect.

The gentleman has been pleased to say, this is a little short road, and that it is not more travelled than many others in the State. Sir, if any confidence is to be reposed in the official reports of able engineers, independent of the statements and the facts which my colleague [Mr. COLEMAN] and myself have had the honor of submitting to the House, this road is not only exceedingly important, but more travelled, perhaps, than any other road of its length, west of the Alleghany mountains.

It is very true, as the gentleman has alleged, that the report of the engineers of 1827 commences with an apology, by professing a want of time and opportunity to be entirely accurate in all its parts; but this is nothing more nor less than the expression of that diffidence and modesty which usually accompanies true merit. It is the same mode the gentleman himself has adopted in the commencement of his remarks; and, upon the strictest scrutiny and the closest examination, it turns out in the end to be a production of great ability, evidencing a thorough acquaintance with the subject in all its practical bearings, and most undeniably must be acknowledged to be in every particular highly satisfactory. Can any gentleman point one single instance in which it is deficient? He cannot. What more is required? Why has not the gentleman long since

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examined this report? Independent of its national interest, it directly and immediately concerns his own constituents. The survey is not a mere local one; such was not its object. It did not begin at Maysville, or stop at Lexington. These are intermediate points on the great route. It began at Maysville, and continued on through the gentleman's own district to Florence, in Alabama. Is there any section of the United States more important than this? If there is, I should like to know where it is. I am very sorry, sir, to see so much alarm and excitement whenever a road bill is called up in these days. Such was not the case formerly. Sir, I am much gratified in the recollection that my friend from Tennessee was not always as much agitated as he appears to be at present at works of internal improvement. I remember with great pleasure the time and place when I had the honor of standing by the side of that honorable gentleman when he voted for six hundred thousand dollars for a great canal in the State of Alabama.

Now, sir, since that period, many, very many projects, involving the same principle, have been, in various forms and shapes, submitted to our consideration; against which the gentleman had a fair opportunity of manifesting his hostility to this monstrous and alarming doctrine of internal improvement. Did he do it? No. He sat silent and contented, thereby ratifying and confirming his former course. I regret, sir, when he comes to the borders of the poor and needy West, then he takes fire, then he becomes indignant; then, and not till then, he throws the whole weight of his intellect and his influence into the scale of opposition, although this is our first application for aid.

[Here Mr. POLK explained.]

Mr. LETCHER resumed. — There was no call for any explanation. I had no intention of reproaching the gentleman for the canal vote. My only object was to show the similarity of that measure with the one now under consideration, and to revert to the pleasing recollection that the gentleman had once voted for six hundred thousand dollars for improvements in the State of Alabama. The gentleman says it was in land. Suppose it was. How does that alter the case? You take my land instead of my money. Now, I cannot for my life, and never could, perceive any distinction in principle between an appropriation in money and an appropriation in land. Where is the difference? It is all common stock, and belongs to the people. However, that is immaterial. The question before the House is not on that gentleman's consistency; that is an affair between himself and his constituents.

A word or two more for the information of the House in reference to the report of the engineers, who acted under the express authority of the Government. It was made by Trimble and Long, of whose reputation for skill and integrity I need say nothing. They are both well known to the nation. They made it out with great care and attention; and it consists of nearly forty pages, and bears every mark of the most scientific examination. In addition to this, the incorporated company also employed Mr. Williams, the late superintendent of the Cumberland road, a gentleman of high character for integrity and capacity in his profession. No man stands better. He, too, made an able report upon the undertaking, which is now before me. The gentleman complains that he has seen no accurate map of this work. Here is one almost as long as this little road itself; [holding up the map] look at it; scrutinize it; a better one was never seen. What more can be required? We have had three reports: one executed by our own special order long ago, and yet information is still demanded. But I know very well, sir, that if I answer all the gentleman's calls, and all his objections, we shall not get his vote. He will continue to call and call again, and if he is driven from one point, he will take refuge under another, and another. The gentleman, I

think, sir, is resolutely determined to vote against the bill; and it is quite in vain, so far as he is concerned, to show that his reasons for doing so are wholly insufficient.

The gentleman from Georgia [Mr. FOSTER] repeats the assertion he made yesterday, that this road is not national. It is very easy, sir, to make that declaration, but not so easy to prove it. I think I have upon a former occasion already demonstrated that it is strictly and essentially national—but if I should again establish it beyond the possibility of a doubt, I shall not, I fear, thereby secure the vote of my worthy friend, any more than that of the gentleman from Tennessee. He has, it seems, constitutional doubts. Would it not, sir, be more prudent in that gentleman to reserve his constitutional arguments for a much greater occasion that may soon present itself, in which he will have a louder call for them? It may happen, sir, before very many days, that application will be made for some millions of dollars to remove certain Indian tribes from his own State to some distant regions beyond the Mississippi; and some few gentlemen may possibly take into their heads to fancy that such a proceeding is not altogether according to the strict letter of the constitution. I refer to this subject in no spirit of unkindness, but to draw the attention of the honorable gentleman to a subject of great magnitude, upon which I shall hear him, no doubt, maintain the argument upon the other side of the question, with great ability. Sir, who has heard a suggestion within the present day, that it was unconstitutional for the Government to subscribe for stock?

The gentleman, sir, is too late with his objections. The doctrine is settled, is fixed to the contrary by the repeated action of both Houses of Congress, sanctioned by every Executive. Certainly, sir, the gentleman must know, the most enlightened statesmen, and some of the most rigid constructionists of the day, unite in opinion upon this point, that the General Government has the undoubted constitutional right to take stock in a private company, engaged in a design of public utility. It is a question of expediency merely, and presents no other difficulty.

But the road begins in Kentucky, and ends in Kentucky, says the gentleman from Tennessee; and how can it possibly be national? Why, sir, every work of this kind must begin somewhere. Where it begins, or when it begins, does not determine its character, I should think. The reason a beginning is made at Maysville, has been several times stated. The work has been commenced by individuals by virtue of an act of incorporation; which could not extend beyond the limits of the State. It is not, however, to stop in Lexington—far from it: it will progress further most certainly. Other companies will no doubt be formed to extend it from Maysville to Zanesville, in Ohio, on the one side, and from Lexington, by the way of Harrodsburg, Lebanon, and Nashville, to Florence, on the other. A bill for that purpose is indeed already reported, and will be called up by my colleague over the way [Mr. KIRKLAND] the moment an opportunity offers. And, sir, if the honorable gentleman will only exercise a little patience, he will very soon see this great road meandering its way through his section of the country. Then, I hope, one of his objections of its being too short will in some degree be removed.

But I would seriously inquire, sir, does it depend upon the length of a road or canal, whether it is national or local? What is the rule of decision? How is the estimate to be made? I should like to hear how gentlemen would reason upon this part of the subject. I humbly conceive, the length of a road, whether it be short or long, has nothing whatever to do with the fact of nationality. We must look to the accommodation it affords, its utility, its links of connexion, the various interests it unites, both agricultural and commercial, to ascertain its character. I know of no other method. The one proposed has every requisite to recommend it. It combines essentially the in-

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terests of the agriculturist and the merchant—it connects itself immediately and directly with the Ohio river, which most unquestionably is a national river, which in fact is to the West what the Atlantic is to the East. You contributed largely to the Dismal Swamp canal, and to the Delaware and Chesapeake canal—how far do they run? But short distances. How long is the Louisville and Portland canal? About two miles. When, sir, aid is asked to improve harbors, to build fortifications, to make light-houses, and to dig canals to unite with the Atlantic waters, we hear no suggestion that these are not national works. But the moment a road is mentioned, the scene is changed, the case is altered, then constitutional scruples come up, and the cry is raised at once that there is nothing national in it.

Sir, we wish to be distinctly understood: we do not now, and never have complained of the great advantages you have on the seaboard, or of the appropriations you have made for their improvement. We are proud to know you possess and enjoy them to such an unlimited extent. Though you have facilities that are wholly denied to us, we are far from begrudging them. Yet, sir, we do think, and must say, that justice should be done to us in some small degree, when we present a case so entirely and unexceptionably correct as the present. We do not ask you to give us money. We do not beg. Not at all. Gentlemen cannot rid themselves of the distressing idea that the money is to be given. No one, sir, expects or desires the Government to do any such thing, but only to aid a good work and a valuable enterprise, by a moderate, cautious, and well guarded subscription. To patronize a road, which connects an important internal city with the Ohio river, which is the Atlantic of the West, which passes through a growing flourishing country, of unparalleled fertility, a region, in many respects, of all others the most delightful and interesting, but one which is unfortunately deprived of navigable streams, upon which we can convey our abundant products to market. The result is, sir, from the extreme difficulty and delay arising from the badness of the road, our farmer is often cut out of the market altogether, and consequently his produce is left to rot on his own hands. Under these circumstances, let me ask, sir, what incentive is given to industry? No man will continue to work, if he has to sit down and see the products of his labor thus perish on his hands for the want of a market. It cannot be expected, sir. He will not raise more than he can consume. Does the farmer need no protection and no encouragement? Is his interest to be wholly overlooked and neglected? Sir, he is the first man in the community who ought to be patronized by all well regulated Governments, and the very last man who should be neglected. He is the main stay and prop of the country. When he is prosperous and contented, every interest in society is so in a corresponding degree. Sir, I would inquire, of what use is legislation? What have we to do, unless we lend every assistance to the encouragement of honest industry, and, by a prudent application of our resources, endeavor to improve the condition of our country?

I am not myself, sir, disposed to see every scheme, however visionary and extravagant, supported and maintained by the wasteful appropriation of the public money. A sound discretion must be exercised in determining upon the merits of each project that may be presented for our consideration. If it be fair, laudable in its object, easy to be accomplished, moderate in its demands, and of great public utility, why, sir, it ought to receive the helping hand of the Government. Such, I think, sir, is the one now offered to the House; and, when completed, it is not for our exclusive use. Gentlemen seem yet to labor under the erroneous impression that this is a road for our special accommodation, and they will not argue the question upon other grounds. Sir, we tell you, and we prove the fact beyond all doubt, that it will be a mutual advantage both to you and to us, that you will greatly increase

the safety and the speed of the mail, and that you will save money by it to a large amount. Where, then, is the ground of doubt or difficulty about it? What do you now pay for the transportation of the mail? Have gentlemen looked into this matter? It costs you no less than eighty dollars and forty-five cents per mile along this very route. Is not this outrageous? And will you continue to pay this extravagant price, rather than aid in making this a good road? Surely you will not. A due regard to economy forbids it, independent of every other consideration. Let this work be completed, and it will not cost you much more than one-third of the sum you now pay. Your own interest, sir, ought to influence you to make the road out and out, even without the co-operation of our State and individual resources.

Kentucky has fully proved her sincerity and fidelity in this matter. She has first taken stock herself, and that to the full extent of her power, before she invited you to participate. Sir, it is well known we are poor; we make no secret of the fact, nor do we view it as a crime. It is our misfortune; and how could it be otherwise? We have no market for our commodities, and the State is embarrassed in her finances. And how did she become so? I need not explain the reason to this House. Gentlemen all know it originated in defending the cause of our common country.

It is true, sir, as a gentleman near me says, that much of the public money during the war was expended there. Yes, sir, but it turned out to be ruinous to us. Its effect was to raise every thing to an exorbitant price. We were, for a time, the subjects of a perfect mania for speculation. While it lasted, money was expended freely, and the country was excited to an unnatural degree, but afterwards there was a proportionate exhaustion; just as a patient, strongly operated on by opium, afterwards suffers a collapse of all his powers. We have not entirely recovered from this state of debility. This is the reason why we are unable to accomplish this work by our own means. But if it were entirely convenient, if our resources were ample, we ought not to do it without your assistance. The road is highly important to us, it is equally so to you, and will effect a saving in the public expense. Now, I put it to every man of a generous heart to say whether he will refuse to do an act which is right in itself, which is just, which is necessary, which, while it injures nobody, makes multitudes happy.

You have a bountiful table, richly and abundantly spread by the hand of a beneficent Providence. All the world beholds, admires, and wonders at your prosperity. The Kentuckians lent their aid in preserving these blessings from violence and spoil. We do not wish to be understood as boasting—we only did our duty. We pay at this day more than a million a year to swell your treasures—and now we come here, and ask you to spare from this wide and magnificent table but a crumb, and that to be again returned to you. Will you, can you refuse us?

But the honorable gentleman from Tennessee [Mr. Polk] tells us that the national debt must first be paid. The gentleman seems to superintend that department of the Government, and to have the public debt in his own especial keeping; and if you give—no, if you subscribe for stock to the amount of one hundred and fifty thousand dollars, the consequences will be awful—yes, sir, tremendous, indeed. Why, sir, how long does the honorable gentleman suppose that this sum will delay the payment of the public debt? But a day or two, even if the money were strictly a donation. Are you asked to part with any money? Not a single dollar. You are asked to advance fifty thousand dollars a year for three years, on good security, in a design patronized by the State, and in which many private citizens have embarked their fortunes to a large amount. In return, you will receive a valuable stock, together with the gratitude and blessings of your

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fewer-citizens. If all these considerations and inducements have no impression upon the House; I know not myself what will.

Sir, I took the liberty of reading to the House a document which went to show the great number of persons who travel this road, even in its present miserable condition. It pleased the honorable gentleman to make some severe and humorous criticisms upon it. He observed that the paper did not tell us how many of the travellers were going to meeting, and how many were going to mill. Very true, sir. Neither did it inform us how many were driven in a different direction to avoid this infamous road; nor did it point out what the wagons carried. I did not read the paper as an official document; but I have letters in my possession from gentlemen of the first respectability, which can be examined by any gentleman, to show that it is fully entitled to credit.

The company hired, as I stated before, a man of reputation for honesty, for one month, to ascertain as accurately as possible the number of persons, wagons, horses, &c. that travelled this road, and the quantity is enormous, and, to one wholly unacquainted with that region of country, almost incredible, but nevertheless true. What do the Government engineers tell you by their official statement? Permit me, sir, to read a short extract from the report.

[Here Mr. L. read an extract from the report of the engineers.]

This corresponds with and confirms the statement I have exhibited. We do not ask the House to act blindly or precipitately, but to act upon authentic information. We desire you to believe nothing that is not established by the most satisfactory proof. We feel ourselves prepared entirely to satisfy any gentleman who is not unreasonable in his requisitions, upon any and every point connected with our application, so far as facts can accomplish that end.

But this road lies within Kentucky, and therefore cannot be national, says the gentleman from Tennessee. Sir, was not the canal to which that gentleman voted six hundred thousand dollars, entirely within the limits of the State of Alabama? May not the same be said of the canal in Illinois, in Delaware, and Indiana, to all of which the General Government has been exceedingly liberal? Now I should be happy to hear any gentleman undertake to establish the correctness of the proposition, that a canal, exclusively, confined within the borders of a State, however short it may be, is always national; but a road of the first importance, of ten times its length, upon which the great mail is daily conveyed, under similar circumstances, is never so. I have said, sir, and I repeat it, the proposed road, taken with its various connexions, each dependent upon the other, makes it not only national, but an object of the first moment.

You must consider the whole design together; you must be regulated, in coming to a decision, by the principles of common sense, as you would in a case of law. You must look at the entire case, and all its circumstances, before you come to a conclusion. You must not separate the circumstances, or break the links. So it is with this road: you must not take apart its links, but take the whole as one uninterrupted chain of communication. I make no argument, sir, about its being a military road: I would not care a single cent whether it was or was not. The case is made out fully, independent of that argument. The truth is, Kentucky will never require you to make a good road to get to your battle ground; but I maintain, and shall ever maintain, that it is connected, by means of a water communication, with the whole lower country, with the Atlantic Ocean, with the Ohio canal, and so with the lakes, and all the northern part of the Union, and therefore is national. If it be not, is there any scheme of the kind in the West that can be so? Where is one more, or even as much so? Let it be pointed out. Sir, if you refuse to aid us in this,

I know we can offer you no other to which you would subscribe. No, sir, if this fails, we are hopeless.

Sir, the gentleman from Tennessee is very kind, indeed. He advises the friends of internal improvement to consider well what they are about, lest they bring their own system into disrepute, by pushing it too far. We are greatly obliged to the gentleman for his counsel. But I, for one, would much sooner take the advice of a friend to the system, rather than from one who is its avowed enemy. He tells the friends of the New Orleans road, for their especial comfort, that it is now "sleeping in death." Sir, it was somewhat cruel to raise the dead, particularly after the funeral oration had been pronounced by that honorable gentleman. I trust he will not raise a ghost to alarm the House. It seems, sir, according to the positions assumed, the whole system of internal improvement is endangered. We cannot pass a great bill, because it is too great—we cannot pass a small one, because it is too small: so it appears we can pass no bill at all, and the whole scheme must come to an end. Now, sir, I am no believer in that notion. It is the people's system; and although it may be checked for a time, yet it cannot be put down. The people will have it in spite of all opposition. I believe no man lives, or ever will live, who can bring it to an end. I believe, further, that the object now proposed is as just, as fair, as expedient, as national, as any which has been or can be proposed to us. No sound objection has been offered against it from any quarter.

Sir, I am very sorry to have felt myself called upon to say as much as I have, although I have said as little as possible. The subject is one of the deepest interest. It is looked to with intense anxiety. I have now, sir, only to entreat that the question may be taken, and let the glorious news go home to the West, that this House has extended its kind patronage to a work so useful and so much desired.

Whereupon, Mr. MALLARY called for the previous question, and the bill was ordered to be engrossed for a third reading.

THE TARIFF LAWS.

The House then again resolved itself into the Committee of the Whole House on the state of the Union, Mr. POLK in the chair, on the bill to amend "An act in alteration of the several acts imposing duties on imports"—the amendment offered by Mr. McDUFFIE being under consideration.

Mr. McDUFFIE rose at half after two o'clock in continuation of his argument against the constitutionality and policy of the "protecting system," and addressed the committee two hours, without having concluded; when he gave way for a motion for the committee to rise.

THURSDAY, APRIL 29, 1830.

THE MAYSVILLE ROAD.

The engrossed bill to authorize a subscription of stock to the Maysville and Lexington Turnpike road was read the third time, and the question stated on its passage.

Mr. HALL said he hoped he should be excused for delaying the passage of the bill for a few moments only. He had no idea that he should be able to prevent its passage altogether; but, as he took no part in the debate yesterday, he wished to make a remark or two, not that he had any peculiar hostility to this particular object, for he could assure his friends from Kentucky that he would as soon vote for an appropriation for this object, as any other of the kind, even in his own district. But he rose to make some developments which he thought calculated to throw much light on the system of internal improvement generally, of which this road is a part, and which involves the principles of the whole subject.

The developments which I am about to make, [said Mr.

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H.] consist of emanations from the most respectable sources, from the Legislatures of two of the most wealthy and powerful States in the Union, New York and Pennsylvania. It is unnecessary for me to say, that, in presenting what I do from these sources, it is not from any want of respect. My object is to show what New York and Pennsylvania have done, and the results at which they have arrived in the prosecution of works of internal improvement, as a beacon and a warning to other States less powerful in the means necessary to the successful prosecution of these works. I hesitate not to say that no other States in the Union can push their plans of internal improvements to the extent which these States have, without the most ruinous consequences. The great State of New York, with means and appliances, physical and adventitious, which no other State in the Union has, or perhaps ever can have, will find some difficulty in extricating herself from the situation in which her splendid works have placed her. But with her resources, if she continues to exercise the wisdom in the management of her system which she has heretofore done, by applying her general revenue means as a sinking fund to her debt, and suspends the further extension of her system, she will in some few years wipe off this debt, which, if I am rightly informed, has been considerably reduced by this policy.

The report of the canal board, in answer to a resolution of the Senate of New York, of the 25th of February, 1830, presents, among other remarks, the following: "The advantages to the people of this State, to be derived from the construction of the navigable communications between the great western and northern lakes and the Atlantic Ocean, were doubtless based upon the anticipated revenue which these works would produce. It was therefore apparent, at the commencement of these works, that the local advantages, in the enhancement of the value of the property contiguous to them, would be participated by the landed proprietors and others inhabiting the canal section of the State; and that the great State community must look, as an indemnity for its expenditures, to the revenue to be derived from these works." Again: "A law was passed at the commencement of these canals, imposing a direct local tax upon twenty-five miles on each side of these works. This law was based upon the evident principle, that the property in the vicinity of the canals was enhanced in value to the amount of the difference between land and water transportation. Owing, however, to the loss and inconvenience which would result from the assessment, collection, and payment of the tax, it was never imposed; and those who have been almost exclusively benefited by these works, having been thus exempted from all direct taxation, it would seem to be an obvious principle of justice that the whole State should never be subject to taxation on account of the canals. It cannot be imagined that the people of this State ever contemplated that works, which are principally beneficial in a local and individual point of view, should impose a tax upon the whole community; and it would doubtless be doing great injustice to that portion of our citizens, who inhabit the canal sections, to imagine that they ever supposed that those in other parts of the State would be subjected to taxation to make or maintain the canals, or to extinguish the debt." The report goes on to say—"The State, in its political capacity, may be regarded as a corporation; and the same broad principles of justice, in reference to its wealth, will have perfect applicability. In a corporation consisting of many individuals, an application of the funds of the whole for the benefit of a part, would be a transgression of the principles of equity, unless the funds were invested in such a manner as to return to the body corporate the principal and interest." Again: "But the making of the canals has added to the wealth of the State, by enhancing the value of the property in the canal sections. This is true.

But as this addition of wealth has not diffused itself, and cannot diffuse itself equally among all the citizens, as two-thirds or three-fourths of the whole population derive little, if any, pecuniary advantage from the canals, it would be unjust and oppressive that works, which are thus partial in their benefits, should be general in their exactions." It will be seen by what has here been presented, that the object of the report was to present to the people of New York, in the shape of an account of debit and credit between them and the canals, or canal interests, a view of what they cost and yielded. And it is further stated—"The interests of the State, in reference to the amount of tolls which ought to be collected on the canals, will be clearly indicated by exhibiting an account of debit and credit between the Erie and Champlain canals and the State, from their commencement up to the beginning of the present year." Here follows, after some further remarks, a set of calculations, showing, according to the views taken in the report, that the "whole amount of debt chargeable to the canals on the first day of January, 1830, was twelve million two hundred and thirty-seven thousand three hundred and ninety-nine dollars and seventy cents." The report says further: "But regarded in the most favorable light in which any reasonable calculation can place them, the canals have yet done nothing towards the extinguishment of their debts; and, indeed, that they have not paid the annual interest of that debt, together with the moneys expended upon them for superintendence and repairs. That portion of debt which has been extinguished, owes its extinguishment entirely to the auxiliary funds, the duties on salt, on sales at auction, and sales of lands, &c.

In the Pennsylvania Senate, on a bill making further appropriations for roads and canals, a member, Mr. Seltzer, said, "That the gentleman from the city had given us an eloquent speech; but had sung the old song—a song which he had sung many times before. There were some notes, however, that were discordant; there were some assertions which were not founded on facts. He had told us that there were sufficient funds to pay the interest on our public debt until February, 1831. Now, sir, I deny it; I, sir, am bold to deny it; it cannot be shown to be true. We shall fall short of paying the interest this year more than three hundred thousand dollars! Now, sir, this old song is nearly worn out. It has been sung from year to year—'give us more money to extend a little further, and the canal will be profitable.' When the money has been received, and the extension made, they come here, and the song is sung over again, 'give us a little more, and it will be profitable.' The State has already expended more than twelve millions of dollars, and not one mile of canal has been completed, and the gentleman from the city wants to borrow money to enter into new contracts, and then borrow more to pay the interest. Such a course, every one knows, would bring an individual to ruin; and who could doubt but that it will bring ruin on the commonwealth?"

I have said, that, in presenting these emanations from these two great States, it was certainly from no feeling of disrespect, but rather from any other feeling. I have done it, sir, to notify the State which I have the honor in part to represent, as well as others, to take warning by the example and experience of those who have gone before them, in undertakings which, whatever these States may do, it would be difficult for others to accomplish. I have quoted these documents, and particularly the report, to show what utter delusion prevails upon the subject of internal improvement, not only in the States, but as it is carried on, or pretended to be, by the General Government; and more particularly to show the fallacy of the idea of the nationality or generality of works and objects, whose principal attribute is that of locality of place. Sir, we have heard in this debate a great deal about national objects; but what does the documentary evidence presented

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by the Legislature of New York teach us? That the very work which, by way of excellence, if there is one in the Union, the Erie and Champlain canal, is entitled pre-eminently to be called a national work, is yet shown by the report of the canal board to be one of local character and interest. Sir, there is not a greater source of error and mischief than the improper or equivocal use of language. It has been said by one of the most able and talented men ever produced by that country so prolific in great men, that "mankind in general are not sufficiently aware that words without meaning, or of equivocal meaning, are the everlasting engines of fraud and injustice." The words national, American system, internal improvements, general welfare, &c., are striking instances. As they are frequently used, they are words of equivocal meaning, and have been used as engines productive of immeasurable, I fear of irremediable injury to the people of this country. These words, confined to their proper use, have a distinct and appropriate meaning of their own; for words are the names of things, sir. Words are things, you know, and, misused or abused, they may be made very wicked and mischievous things. But the word national—the national good—the general welfare! Sir, what is national? Why, it would not be difficult, by a little logical legerdemain, to prove that any thing, however local or circumscribed in its character, is national. The general welfare is made up of the particular welfare—the whole is made up of its parts. What is good for the whole is good for the parts, and, *converse*, what is good for the parts is good for the whole. The nation is made up of individuals: what is good for the nation is good for the individuals; what is good for the individuals must be good for the nation; therefore, every individual advantage must be a national advantage. But it is of advantage to my old neighbor, that his potatoe patch or cornfield should be cultivated, or that he should have a ditch cut, or a cowpen made; his individual advantage is part of the national advantage; and then these objects become national objects, and ought to have an appropriation from the national treasury. I repeat that I have no peculiar hostility to the Maysville road, and have no doubt it is quite as well entitled to an appropriation as many other works called national. But the gentleman from Kentucky [Mr. LETCHER] tells us that this road is a national road, because it is in connexion with the national river Ohio. But how came Ohio, *par excellence*, to be a national river? How are we to distinguish which is and which is not a national watercourse? As we have heard something about length and breadth, &c. how are we to ascertain where, or when, nationality begins. Sir, I should like to know from the great father of waters in the West, down to the meanest rill or mud puddle in North Carolina, where I used to catch crawfish when I was a child, how we are to tell a national watercourse from one that is not. And, suppose, according to the gentleman, Ohio being a national river, this road becomes a national road, because in connexion with it; does not the gentleman perceive (and I say this in the same good natured way in which he made the same remark) that, by the same rule, every other road, or path, that is connected with it, must therefore be national, and that even a sturgeon living in it must be a national sturgeon. The same remark was made in regard to the Cumberland road, that eternal road—eternal as to money.

But I am extremely obliged to the Legislature of New York for the light which it has caused to be thrown upon this subject of the nationality of locality, which sounds something like a contradiction in terms. But, sir, I say that if there is any one work of internal improvement in the United States, entitled to be called, by way of eminence, a national work, it is that truly great work, the Erie and Champlain canal. And what does the exposition which has been made, show? That even in the estimate of the canal board this is a matter of local interest. And, sir, if the great State of New York, an empire within her-

self, after having prosecuted with so much energy, and with a success that, from the very nature of her physical position and adventitious advantages, no other State can use; if she, under all these favorable circumstances, has yet shown that this stupendous work is not only local, but, compared in its cost and profit, is as yet a losing business; I ask, what would be the result with any other single State, or, still worse, with the whole United States, cut up into roads and canals, at such rates? Could the people bear the taxation? Ought they to do it? I do hope that the people in every State, whose legislature has plunged into this system, will cause to be made out an account of debit and credit, showing precisely what they pay for the article, and what it yields. Had not the constitution become obsolete, except with a few old fashioned politicians, I would say something upon the constitutional question, because some of those who believe with me on this subject, by appearing to waive the question, may subject us unjustly to the imputation of having abandoned the ground. Sir, I have not; I never shall abandon my principles on this subject; and the more I reflect on them, the more firmly must I adhere to them. But I hesitate not to say, that, according to the practical construction of the constitution, or rather the practice of the General Government for some years past, if the people really believe that they are living under a Government of strictly limited powers, whatever in its formation it was intended to be, I have only to say that I think them mistaken. That the Government was intended by the people of the States, when they adopted the constitution, to be one of limited and specified powers, I think any one may satisfy himself, who will consult the contemporaneous history of the times. And I wish my constituents could now hear me. I desire that what I say may go out to them.

The friends of internal improvement by the General Government, claim the power principally from four sources: from the war power; the power to establish post roads and post offices; the power to appropriate money; and the power to regulate commerce. From these sources, they claim the right of the General Government to make roads and canals, improve harbors and rivers, and many other works within the jurisdictional limits of a State. The error into which those who derive the power over internal improvements, from the war power, is their improperly blending the legislative and executive functions of the Government in relation to war. These departments are to be kept separate and distinct, in this as well as in other instances. Each has its appropriate part to perform. The Legislature declares war, the Executive carries it into execution. It is his duty, being by the constitution the commander-in-chief, the head of the military establishment. Military roads, ditches, culverts, the thrown up breastworks, the occasional taking or using private property for public purposes, are means necessary to the execution of the war power; they are parts of the war executed by the military. These are things left to the discretion of the military commanders, *ex necessitate rei flagrante bello*, and could not be provided for by the legislative department of the Government; it results from the very nature of war. But as soon as the military is withdrawn, the General Government has no control over these things; they belong where they did before. These operations really constitute a part of the war; and to think of carrying into effect the executive functions of the Government in relation to war in time of peace, would involve the contradiction of having war in time of peace. But we all know that this discretion of military commanders is to be exercised upon their responsibility to the country; and that they are liable for any improper use or abuse of it.

The post office power—the power to establish post roads and post offices, is so hackneyed a subject, that but little is required from me now. Without going into any philological disquisition on the word establish, I will rely on its

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ordinary meaning, and resort to precedents. But, unfortunately, and very strangely, precedents never seem to be of any use, but for operating against some long established rule of action, under which a thousand previous acts are not permitted to have as much force as one new act in opposition to that rule. I know not how many precedents in favor of the practical use of the word establish to count. But we know, from the foundation of the Government until within a few years, establishing a post road meant the designation by law of some road already made as a mail route. This has, in many thousand cases, which ought to have the force of precedent, been the evident meaning of the acts of the Government establishing post roads. And I give a strong illustration in the case of the celebrated Cumberland road, which, if I am rightly informed, was first made, or caused to be made, by Congress, and afterwards, by a separate and distinct act, made, or established, that is, designated by law a post road, and the mail directed to be carried on it as a mail route, and so of any other road. Some seem to have a difficulty, because the same word establish is used in regard to post offices. But this will, upon a moment's reflection, be shown to be only prescribing by law the official duties or character of some individual appointed postmaster. Congress, by establishing the office, neither makes the man, nor the place where the duties are performed. In general, it does not require a great deal of room, and most of those who are willing to perform the duties, have some place to perform the duty in, or furnish it. The word establish has been therefore properly interpreted by the acts of the Government from its commencement; and, if rightly informed, I believe it is so used in that country (England) from which we received our idea of post office system. The more modern, and evidently erroneous interpretation, that establish means to make post roads and post offices, must be considered an interpolation.

The appropriating power, the most convenient for all purposes, is not a new one. It is the opinion of Mr. Hamilton revived, I think, in 1823 or '4, because it was perhaps thought more to the purpose by some. In his report on manufactures, page fifty-fourth, Mr. Hamilton remarks: "It is therefore of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper. And there seems to be no room for a doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce, is within the sphere of the national councils, as far as regards an application of money."

If Congress can, at its discretion, pronounce upon the objects which concern the general welfare, and apply, *ad libitum*, the money of the public to their accomplishment, what is to prevent their exercise of any power whatever, which it may please them to say is for the general welfare, is a national object? They may select any end or object, and use any amount of means to arrive at or accomplish the purpose. The people intended this to be a Government of limited powers; but if, really, Congress is left to its own discretion as to the objects, with unlimited use of the means, the Government becomes as sovereign and imperial as the autocracy of Russia or Turkey. I ask, what is the difference between unlimited power, and an unlimited use of the means to accomplish whatever objects the discretion of the Government may select or point out? What is power but the use of the means to accomplish any thing? Means in use are power *de facto*, real, practical power.

The power to regulate commerce is one of the main sources from which the power to make internal improvements within the jurisdictional limits of the States, by making roads and canals, improving, or, I suppose, making harbors, breakwaters, improving rivers, &c., is claimed.

This subject comes more nearly home to me, and to the people I represent; and I am about to resort to high authority—the very highest, in the estimation of some—even the sovereign power, in their estimation; but not quite so high, in my opinion, as that. No, sir; not quite the sovereign power, but yet very high and respectable authority. I mean the Supreme Court. In the case of *Gibbons vs. Ogden*, the Chief Justice, in delivering the opinion of the court, after some preliminary observations, says: "We are now arrived at the inquiry—what is this power? It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the constitution." He continues: "If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely as it would be in a single Government, having in its constitution the same restrictions on the exercise of the power as are found in the constitution of the United States." The word sovereignty, applied here to Congress, if understood as it frequently is, I do not approve of. Congress is not the sovereign power of the country, but a mere agency, with powers plenary *quoad hoc* over particular subjects; and in this sense the word should be understood here. I perfectly agree with the opinion of the court in the doctrine here laid down of the plenary nature and completeness of all the legitimate constitutional powers of this Government. And sir, I, for one, would not diminish one iota, nor in the smallest degree take from or diminish the powers either of the general or State authorities; but, keeping each within its proper sphere, I would adopt the old adage of *sum cuique tributo*. But, does not every one perceive that this doctrine, being sound and truly drawn, as I say it is, from one of the plainest parts of the constitution, is at once destructive of the claim of this Government to make internal improvements within the States? The Chief Justice proceeds, after some other remarks: "The appellant, conceding these postulates, except the last, contends that full power to regulate a particular subject implies the whole power, and leaves no residuum; that a grant of the whole is incompatible with the existence of a right in another to any part of it." On the margin we have the following condensation of the context to which it is connected: "The power to regulate commerce, so far as it extends, is exclusively vested in Congress, and no part of it can be exercised by a State." Now sir, what is the commerce, the regulation of which has been given to Congress? It is commerce "with foreign nations, among the several States, and with the Indian tribes." This is the commerce to be regulated, constituting one subject whole and entire, *totus, teres atque rotundus*. The power of Congress over it is commensurate with the subject: it is full and complete, and consequently exclusive, as I say all the appropriate powers of Congress are. It follows from the very nature of things, that, if the power is plenary, it is necessarily exclusive, and cannot of necessity be concurrent, or participant, or conjointly with another. I have once before advanced the doctrine here, and I think truly, that, properly speaking, there are no concurrent powers between the General and State Legislatures or Governments. Even the power of taxation, which seems to be so considered by some, I find no difficulty with. There are powers to be exercised by both very similar, but this may be remarked in regard to other Governments. Take, for instance, the subject of taxation: it is not only similar in its mode of application and exercise in this country and Great Britain, but it is a known fact, that some of the very identical articles which yield a tax in England, afterwards also yield a tax here; but would any one undertake to say, there-

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fore, that the two Governments are joint agencies? The two Governments exercise similar powers, each within its own sphere, but not as copartners, or concurrent agencies. "Congress is authorized to lay and collect taxes, &c., to pay the debts, and provide for the common defence and general welfare of the United States." But the court says: "This does not interfere with the power of the States to tax for the support of their own Governments: nor is the exercise of that power by the States an exercise of any portion of the power that is granted to the United States. In imposing taxes for State purposes, they are not doing what Congress is empowered to do. Congress is not empowered to tax for those purposes which are within the exclusive province of the States. When, then, each Government exercises the power of taxation, neither is exercising the power of the other." No, sir; but exercising distinct and separate, though similar powers; and so of the power to regulate commerce, that is, the power, as properly defined by the court, to make legal rules and regulations by which commerce with foreign nations, among the several States, and with the Indian tribes, is to be governed. I see before me many talented lawyers—I would ask them whether the idea of two agencies, both with powers plenary *quoad hoc* over the same subject, is not a legal and political absurdity. And, sir, is there a man here who will have the hardihood to say that the States have not the right to make internal improvements within their jurisdictional limits? And, if so, does it not follow, from the very nature of the powers of this Government, that Congress cannot? The thing is self-evident. The truth is, that both Governments are agencies, with powers plenary in relation to each other, over the subjects appropriately and constitutionally to them committed by the sovereign power of the country—the people. Neither Government is itself the sovereign power, they are both subordinate to the actual sovereignty, which is in the people. If the power to regulate, means the power to make commerce, or any of its parts or adjuncts, we shall ultimately arrive at very strange results. And if, under this power, we are to make roads, canals, harbors, &c., we must go on, and, by the same rule, make wharves, piers, drays, wheelbarrows, and merchants' warehouses, as well as boats and large vessels to facilitate commerce. Commerce, in its narrowest signification, means an exchange of equivalents; but there are many things and circumstances so closely and inseparably connected with it, that they become, as it were, parts of it, or, at least, adjuncts, without which it could not get on, and they also become subjects for regulation; but regulation has been shown not to mean fabrication or construction. The Chief Justice says, speaking of the inspection laws: "They form a portion of that immense mass of legislation which embraces every thing within the territory of a State not surrendered to the General Government: all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts of this mass. I believe, sir, this road, we are upon now, is to be a turnpike road.

I think this power has been misunderstood. The exercise of the power of this Government, in regard to internal improvements, has been evidently to me pushed beyond its proper bounds and authority. I am against extremes, *modus est in rebus*. I do not think Congress has the right to go into the States to exercise those municipal rights which the people reserved to themselves or their local legislatures. I will only trouble the House with one other evidence, which is directly to the point. This is from the declaration of rights of North Carolina, which is a part of the constitution of that State. "That all political power is vested and derived from the people only. That the peo-

ple of this State ought to have the sole and exclusive right of regulating the internal government and police thereof." I will trouble the House no longer.

Mr. MARTIN, avowing his disapprobation of the bill, but his unwillingness to take up the time of the House in an argument against it, moved to lay the bill on the table.

This motion was decided in the negative by yeas and nays:

For the motion	85
Against it	101

Mr. JOHNSON, of Kentucky, rose to address the House, and said that he was aware of the danger to this bill, which was incurred by occupying too much of the time of the House in making speeches in its behalf; but he trusted gentlemen would pardon him, when they considered the immediate and deep interest his constituents felt in the success of the bill. He knew the state of exhaustion in which the minds of the members were, after the protracted debate; and that no gentleman, however transcendent his talents might be, (he was aware of the very small pretensions he could himself urge,) could expect from them a very patient hearing. Indeed, he felt it as the next duty to fidelity to his constituents to observe perfect silence in the House, except in cases where he could not avoid delivering his sentiments as to the constitutional question in relation to the subject of internal improvements; it had been so often and so thoroughly discussed, that it was impossible by argument to shed any new light upon it. He did not believe a single new idea could be advanced by any one. Instead of constitutional argument, he wished to substitute facts, examples, and legislative action. And he should feel happy, and consider himself fortunate, when a proposition was presented for the benefit of Maine, or Georgia, or of New York, if he could lend it any aid. For this was a great federal Union, one and indivisible; and he should extend, at all times, equal and exact justice to all its parts, so far as his judgment and his attachment to all would guide him. Wherever the salutary power of this Government was involved in the question, so long as it was regulated by discretion, he would vote for it. He never could or would consent to put so rigid a construction on the constitution, as to restrain the beneficial action of this Government when applied to the judicious system of internal improvements. Roads and canals were strong links in the chain of affection which bound this Union together as a band of brothers, and made our fellow-citizens rich, and happy, and independent. He knew that many honorable gentlemen in that House, far more intelligent than he, applied a strictness to all parts of the constitution which applied to those clauses only which guarded personal liberty—the freedom of speech and the rights of conscience. He should vote just as freely for this road if it were in Georgia, as in his own State. He had always acted on these principles; and his constituents, with a full knowledge of that fact, had honored him with a seat in that and in the other House for twenty-three years. Thus he had lived, and thus he hoped to die. He could truly say that it caused anguish in his very soul when he heard gentlemen on his right hand and on his left get up and say, "this part of the Union has been favored, and this part of the Union has been oppressed." He should be thankful to Providence if it were possible to distribute the taxes of this country with perfect and absolute equality—aye, to a cent, or to the millionth part of a cent. Then they might lie down, perhaps, on their pillows in peace, and not hear the same strain of complaint continually resounding in their ears. He hoped his friend from Georgia, should he bring forward any project for the benefit of his own State, would find him as good as his word, and always happy to lend him his aid. As to the gentleman from Virginia, [Mr. HALL] he could assure him that he had no wish to take his money away from him.

[Here Mr. HALL interposed, and explained.]

Mr. JOHNSON resumed. If my friend suspects that I

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look for his vote when he thinks the constitution forbids it, he is greatly mistaken. I know the uprightness of his motives. I spoke of the effect of them only; and as to the effect, while he is willing to give me but a stone, I am willing to give him bread. I will go with him so far as I can do it on principles of magnanimity and equality; in the course I pursue, my conscience is at rest. But let any proposition be brought forward which violates the rights of conscience, the freedom of speech, or the liberty of the press, that gentleman will find me, I trust, among the foremost to defend the constitution, whether with body or mind; and give it a construction which shall guard that liberty for which we have all struggled, and for which our fathers nobly fought, and freely bled. Then my friend and myself will be found, I hope, in giving the same construction, although we may differ as to making roads and canals. But to the question. Is this road not a national work? I say, that if the Delaware and Chesapeake canal is national in its character, then this road is national; but if it can be shown that this was a private concern only, in which the nation had no interest, then I may give up this bill. So, I say, if the Chesapeake and Ohio canal is a national work, this road is such. Does it follow, that because you are now going to appropriate for sixty miles of a great connecting avenue between several States, that that avenue loses its nationality? Does it cease to be national because you cannot make it all at one time? I say that the Dismal Swamp canal was a national work, and we granted our aid to it against the will of that ancient State which is the mother of Kentucky. Yes, sir; we made her take the boon, whether she would or not. Has Virginia been injured by our appropriating money to finish the Dismal Swamp canal; just as we are going to do to South Carolina; for the citizens of South Carolina have petitioned Congress to aid them in a railroad; and a bill has been reported to give the money. I hope we shall pass on that bill, and that we shall pass it, too. Aye, sir, and there is another bill, interesting to the South, I hope we shall pass. I mean the Indian bill. Yes, sir, I am prepared to vote millions upon millions to remove those venerable relics of nations, if they voluntarily choose to go, to a region where they may remain at peace, unmolested by the intrusions, and uncorrupted by the vices, of their white neighbors. In this, too, I have the advantage of my friends to the South. Although their principles will not enable them to aid my native State to open a road, I feel free, and able, and willing to aid them in this great southern measure, as beneficial to the red man as it will be to our brethren of the South. Here, sir, is the request of the Legislature of my State that I will use my efforts to obtain the subscription of the Government to this road; she has directed her Senators and requested her Representatives to exert themselves for an object so important to the State. I ask you to grant us this little boon; it will set our whole State machinery in motion. The House is acquainted with the causes which have produced the embarrassments under which we labor; they know that these embarrassments have been incurred by exertions in the common cause of our country. They deprive us of the means of carrying into effect the improvement of the State by great and expensive works. Yet, sir, whenever similar aid was asked by other States, I and my colleagues have stood forward the constant supporters of their request. Kentucky has ever been found voting for the construction of roads and of canals, in which she had no direct interest, or local interest, except as a State, and component part of the Union. Did her neighbor, Ohio, ask our aid in advancing her internal prosperity, no petty spirit of rivalry, no mean and contemptible jealousy of the rising greatness of that State, induced Kentucky to withhold her influence and votes. The same remark will apply equally to Tennessee, her neighbor on the south. And, in the last place, permit me to remark, that I do not press this claim of Kentucky on the ground of her being the oldest of the States, after

the original thirteen; that she has been with you in seven troubles, and will not leave you in seventy times seven; because she presented no request when hundreds of millions were spent (and well spent) upon the seaboard, in the erection of fortifications to defend your coast, and millions more in protecting your commerce from foreign aggression; I do not urge that Kentucky, although far inland, and secure from all danger of invasion, joined boldly in the cry, "do not give up the ship." No; I call on you to pass this bill, because the object in view is such a one as you ought to patronize. Surely this is as much a national object as the railroad from Baltimore to the mountains, and as the Ohio and Chesapeake canal; yet I voted in favor of that. I went home, and said to my constituents, this is a united country; we are all one family. I have voted thousands away, not for you, my constituents, but for your brethren in other parts of the Union. They needed the aid, and I knew you would never wish to withhold it from them. Now, sir, I ask aid for my State, and I expect help in our time of need. It is not the only appropriation I intend to ask for. My constituents are very deeply interested in other roads and highways passing directly through my district. We have no incorporated companies yet; and the time has not arrived when their claim can be presented. When that period arrives, the grant, in this case, will not at all interfere with the strong and irresistible claim they have upon your justice; and I shall not be wanting in my duty, and you will not be unjust or ungrateful.

Sir, we inhabit a fertile region—a fair and delightful habitation for man; it is surrounded not with water, but land, land in all directions, and to a vast extent. The pleasant Ohio rolls along its borders, bearing on its bosom the wealth of ten States. We wish to get at this great national highway, that we may carry the products of our industry to a market. The request is most reasonable, and you, I am confident, will not refuse it. If any State has been more liberal in her course toward the general interest of this Union, let her stand forth a monument of patriotism and public spirit. You have lent your aid to the Portland canal, to the Dismal Swamp canal, to the Chesapeake and Delaware canal. You have granted Ohio a million acres of land. You have given to Illinois, to Indiana, to all the new States. The donation to the Louisville and Portland canal was not a Kentucky boon; it was a gift to ten States of this Union, all equally interested in the navigation of the Ohio river. This road is the first object which Kentucky has presented to you. It is a great and important thoroughfare; not a road in the Union (except those between the great seaports) more travelled, and none of the same extent, by which you can more promote the public good. Under these circumstances, I trust you will not reject our bill.

Mr. STORRS, of New York, replied to some remarks of Mr. HALL relative to the cost, productiveness, and advantages of the New York canals.

Mr. HALL said, in reply, that, as the remarks of the gentleman were directed to the report emanating from the Legislature of New York, and not in answer to what he had said, he left the subject between them.

Mr. POLK next addressed the House, and renewed the argument advanced by him on a preceding day against the bill. He was opposed altogether to this system of appropriations for sectional purposes. It was a more easy matter, it appeared, to vote profuse sums in the Congress of the United States. He repeated that it was more easy to vote ten thousand dollars in Congress, than ten dollars in a State Legislature. What would be the result of this lavish mode of expending the public money—what its cause? The country looked to the present Executive for the adoption of a system of economy and retrenchment; and how could this be effected, but by the most vigilant attention? The practical operation of the system now prevalent was directly the reverse. The engineers entrusted with the

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surveys would not report adverse to a project, the adoption of which benefited themselves. The road in question received the sanction of the State Legislature in January last; so recently, he begged it to be observed, as January last; and yet an application was made to Congress for pecuniary aid towards its completion. Where [he asked] was this system to stop? He conceived the whole of these applications to be most pernicious in their tendencies, and unconstitutional in principle.

Mr. TUCKER reprobated the system upon which this bill, and numerous others of a similar nature, were founded. In his judgment, all such appropriations, besides being unjust and unconstitutional, were pregnant with the most disastrous consequences.

Mr. POWERS opposed the measure. He deemed it objectionable in every constitutional point of view. He spoke of the various ingenious arguments urged in favor of this project, and of others of a similar nature. The Buffalo Road bill had been objected to, because it was too long; and this one might be so objected to, because it was too short. This circumstance reminded him of the lady (And ladies were sometimes fond of complaining) whose husband was stated to find the bread occasionally burnt, and occasionally mere dough. The road had been called national in its object, because it led from one point of the Union to another. Now, he asked whether every road throughout the United States might not be said, by a parity of reasoning, to be a national road; for all of them led from one point of the country to another. This argument, therefore, was utterly fallacious. He concluded by an earnest deprecation of the passage of the bill.

Mr. CARSON objected to the bill. He was opposed to a system which went to make the Government of the Union a stockholder, from sordid views of interest, in public companies incorporated by a State.

Mr. CROCKETT said that he did not rise to make a speech upon the subject. Indeed, he was convinced in his own mind, that, if they were to speak for five days upon it, not a single vote would be changed. Every one, he thought, had already made up their minds with respect to it. He should therefore call for the previous question.

The call was seconded by a vote of yeas 101; nays not counted.

The main question, on the passage of the bill, was then put, and decided in the affirmative by the following vote: yeas, 102—nays, 86.

So the bill was passed, and sent to the Senate for concurrence.

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The House then again went into Committee of the Whole, Mr. POLK in the chair, on the bill "altering the several acts laying duties on imports," and the amendment proposed thereto by Mr. McDUFFIE.

Mr. McDUFFIE resumed, and spoke nearly two hours in continuation of his argument.

[The following is a full report of the remarks of Mr. McD.]

Mr. McDUFFIE said that he entirely concurred with the chairman of the Committee on Manufactures as to the expediency of providing for the faithful collection of the revenue; but, differing very widely with that gentleman as to the best practical mode of effecting the object, he begged leave to submit the amendment which he had prepared for that purpose. I propose [said Mr. McD.] to secure a strict and honest observance of the revenue laws, not by arbitrary penalties imposed at the discretion of the officers of the customs, but by rendering the laws themselves so just, and moderate, and equitable, that the great temptation to evade them, which is now held out by the high rate of the duties, will be, in a great measure, removed. As the amendment I have offered obviously opens for discussion the policy of the entire system of prohibi-

tion and protection, I will now proceed to offer some considerations to the committee, which, I trust, they will find not unworthy of their grave and solemn consideration. I shall pass over, with a bare allusion to them, many of the topics which have been heretofore urged on this floor, to show the inexpediency of the system we are considering. The inevitable tendency of this system to destroy foreign commerce; and consequently our commercial marine and naval power, has been so repeatedly urged, and, on a very recent occasion, with such conclusive proofs and triumphant argument, by my friend from New York, [Mr. CAMBRELENGE] that I will not attempt to add any thing to what he has said on the subject. Neither, sir, do I propose to go into an investigation of those abstract principles of political economy to which we have so often and so vainly appealed, for the purpose of convincing the majority of the inexpediency and injustice of the course they have been pursuing. That it is equally unwise and unjust to attempt to direct the course of national industry by Government restrictions—that individual sagacity and interest will infallibly find out and pursue those employments that are most profitable—are positions in which the enlightened writers on the science of political economy, in every part of the world, almost unanimously concur. Yes, sir, it is a singular and striking proof of the soundness of the doctrines for which we are contending, that, for the last half century, almost all the philosophers and political economists of Great Britain and France, in the midst of commercial restrictions imposed by their own Governments, have boldly maintained the folly and injustice of those restrictions. Theirs is the disinterested testimony of enlightened minds, seeking only for truth, and having no motive to pervert it. But I pass that over. Nor shall I now enter into any argument (as I have done in former discussions of this subject) to prove to gentlemen from other parts of the Union, that the interest of a majority of their own constituents would be better promoted by reducing the duties they have been so anxious to increase. I will barely state, that I do most sincerely and conscientiously believe that, even in those parts of the Union for whose exclusive advantage the existing high duties have been imposed, the interests of nine men are sacrificed where that of one is promoted by them. Nothing can be more clearly demonstrated, in my opinion, than that, even in Massachusetts, and Vermont, and Pennsylvania, the great mass of the community, the small farmers, and the persons engaged in handicraft employments, are subjected to unjust and injurious burdens, to promote the interest of a comparatively small number of large capitalists. But, sir, it is now too late to urge this view of the subject; and perhaps it would not be very becoming in me to attempt to school gentlemen from other parts of the Union in what relates to the peculiar interests of their own constituents. I shall, therefore, take it for granted that the existing system of commercial restrictions has been established by the majority of Congress, from a deliberate conviction that it is calculated to promote the interests of their constituents, and that there is no probability that the opinion of that majority will undergo a change. Now, sir, however much I may be disposed to question the rights and the powers of the majority in some other respects, I agree that they have the undoubted and exclusive right to determine for themselves what will best promote their own interests. How far they have a right to decide upon the interests and rights of others, is quite another question. I shall assume, then, as the basis of the remarks I intend to offer, that the system of prohibitory duties, which aims at the ultimate exclusion of all those articles of foreign merchandise which the southern States have an interest in importing, is the fixed and unalterable policy of Congress. I sincerely deplore the fact; but I should be guilty of exciting false and delusive hopes in my constituents, if I did not declare it. Sir, no man who will reflect upon the progress of this system

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for the last twelve years, can indulge the slightest hope that it will ever be abandoned by those who have imposed it upon us. From year to year the duties have been increased and the system extended, and, at each successive enlargement of the circle of monopoly, the majority in Congress has uniformly increased. So far from perceiving any indications of a reaction here, it seems obvious to me that the more odious, and oppressive, and intolerable the system is rendered to the people of that portion of the Union whose rights it grossly violates, and whose interests it is calculated to destroy, the more determined and obstinate are the majority in adhering to it, and extending its operation. Placing the question then upon the footing on which it is placed by the advocates of this system—conceding to them the right and the capacity to judge of their own interests—yielding the point, as I am compelled to do, that the prohibitory system does really promote what they regard as their true interests, I shall proceed to demonstrate, as I think I can most conclusively, that the interest of the majority thus to be promoted consists in the absolute annihilation of the rights and interests of the minority.

In this state of facts, a very grave and momentous question irresistibly forces itself upon the consideration of this body: how far it is the right of the majority to destroy the separate and peculiar interests of the minority; and how far the minority are under any constitutional or moral obligation to submit to so monstrous an outrage.

Sir, I am well convinced that the people of the United States have not realized, even in a partial degree, the nature and extent of the oppression under which the people of the southern States are laboring. I shall proceed, therefore, to inquire, in the first place, what is the operation of your system of impost duties upon the various portions of the Union, regarding it merely as a system of revenue.

Has it any pretensions to be regarded as a just and equal system of taxation? Is not the fact undeniable, that almost the whole burden of federal taxation is thrown upon those branches of productive industry which furnish the exchanges of our foreign commerce, while all the other branches of domestic production are free from taxation, and a large portion of them derive considerable bounties, indirectly, from the very burdens imposed upon those productions which constitute the staples of foreign commerce? If I have not entirely mistaken the true operation of the revenue laws of the United States, there never was a more unequal and unjust system of taxation devised by any Government, of ancient or modern times.

A reference to the treasury statements of the commerce of the United States will show that the whole amount of the domestic productions annually exported to foreign countries, taking an average of years, is something less than fifty-eight millions of dollars. Taking this to be the aggregate value of the domestic exports of the whole Union, it may be estimated that those portions of the southern and southwestern States which are engaged in the production of the great agricultural staples of cotton, tobacco, and rice, constituting less than one-third part of the Union, export to the amount of thirty-seven millions of dollars; and those portions of the States just mentioned, which are engaged in the production of cotton and rice, constituting less than one-fifth part of the Union, export to the amount of thirty millions of dollars. Now, sir, it would be difficult to imagine a proposition in political economy more undeniable, than that the amount of imposts which belong to each respective portion of the Union, must be proportioned to their exports. It is wholly immaterial who are the carriers and importers of the merchandise received in exchange for domestic productions, or through what custom-house it happens to pass; it must still be regarded as constituting the commerce of that portion of the country, in exchange for the productions of

which it is obtained; and every imposition of duties upon that commerce is a burden of taxation thrown upon the domestic industry by which it is sustained. If, therefore, you would know what stake any particular portion of the Union has in the foreign commerce of the country, you have only to ascertain what proportion the exports of domestic productions from that part of the Union bear to the whole amount of foreign merchandise imported for consumption. How, then, are the burdens imposed by this Government, regarding the impost duties as a mere system of revenue, distributed among the various States and sections of this Union? If I shall succeed in showing that the States engaged in the production of cotton, tobacco, and rice, are taxed by the Federal Government in proportion to the amount of their exports, it will follow that those States pay very nearly two-thirds of the whole amount of the federal revenue. It will also follow that the States engaged in the production of cotton and rice alone, with a population of little more than two millions, pay more than one-half of that revenue. I am aware, sir, that these propositions are calculated to startle those who have not examined the subject attentively. Gentlemen will think it scarcely possible that any population in the world could have existed, in tolerable comfort, under such a weight of taxes. I will proceed, then, to the proof of the proposition, that the exports of the planting States indicate the proportion of federal taxes paid by these States, taking fairly into view the entire operation of our fiscal system. And I beg that those gentlemen who are in favor of the existing policy, will examine my argument critically, and, if they can detect any fallacy in it, that they will expose it to this committee. My sincere desire is to arrive at the truth. If I am in error, it is my anxious wish that it may be clearly pointed out, as very important issues may probably hang upon it.

If the southern planters were to export their own productions in their own ships, and import, in the same way, the merchandise obtained in exchange for it, would any doubt exist that they actually paid into the treasury an amount of taxes proportioned to their exports? Exporting productions to the amount of thirty-seven millions of dollars, they would pay, assuming the average rate of the duties even at forty per cent., fourteen millions eight hundred thousand dollars, while the States producing cotton and rice would pay twelve millions. Now, as the importing merchant is nothing more than the agent of the planter, the true operation of impost duties will be much more clearly perceived by dispensing with this agency. It tends to confuse the inquirer, by keeping out of view the real parties to the proceeding. The merchant certainly bears his own share of the burdens of federal taxation; but the burdens of the planter are in no degree diminished by that fact. I assume, then, that the planter is subjected to precisely the same burden, as a planter, that he would be if he had no factor or commercial agent, but exported his own produce himself, and imported what he obtained for it abroad. Why, then, is it denied that he is taxed in proportion to the amount of his exports? It is denied, upon the assumed ground that the producer pays no part of the tax, as a producer, but that the whole burden falls upon the consumer of the articles subjected to impost duties. Now, although, as I shall hereafter attempt to show, the condition of the planter would be very little better, even if it were true that the consumer paid the whole tax; yet I deem it important to refute the common error, that indirect taxes, laid upon production, fall ultimately and exclusively on consumption. I know, sir, that indirect taxes do not exclusively rest upon those classes from whom they are actually levied. But upon what principle of reason or common sense can it be maintained that no part of them rests there?

Such an idea never would have been indulged for a moment, but for the disguised form in which indirect taxation

operates upon the community. To strip the subject still further of the disguise and confusion in which it is enveloped, I will advance another step in the process of simplification. I maintain, then, that an import duty imposed upon those articles of foreign merchandise which are received in exchange for the domestic productions of the planting States, is precisely equivalent, in the existing state of our commercial relations, to an export duty levied upon the productions of those States. A very brief examination of the actual state of our commerce with Europe will satisfy the House that those articles of merchandise, which are now imported principally from Great Britain, France, and Holland, in exchange for our cotton, tobacco, and rice, are the only articles which can be obtained in those countries for the productions we send them. Whatever impost duty you impose, we must still continue to import the merchandise on which it is levied, until the duty reaches the point of prohibition. I am aware that a notion prevails, and I have recently seen it gravely maintained in a number of the North American Review, that if we were to prohibit absolutely and entirely the importation of all those articles which we now import from Europe in exchange for our cotton, that Great Britain and France would still continue to purchase the same quantity of that staple as they did before the prohibition; and that, instead of paying for it with merchandise, they would pay for it with money. This is an argument of some plausibility, and may impose upon persons unacquainted with the laws of commerce, and the functions of money. But to persons at all familiar with these important subjects, it can appear in no other light than as a gross and palpable absurdity. What, sir, is commerce between nations but a mutual exchange of those articles of intrinsic value which are mutually produced and consumed by the nations who carry it on? Great Britain, for example, cannot purchase our cotton, without giving for it, directly or indirectly, the productions of her own industry. Having no mines of gold and silver, she cannot pay us in those metals, until she obtains them from some other country in exchange for the productions of her own industry. But unless your duties increase the demand of the countries having gold and silver mines, for British merchandise, and also the demand of the commercial world for specie, Great Britain can neither sell any more goods to the mining countries, nor purchase any more specie from them, than she did before your prohibition. Your refusal to take any thing but specie for British merchandise, therefore, is refusing to take any thing but that which she cannot give. But the inquiry does not stop here. Suppose Great Britain had inexhaustible mines of the precious metals. There would still be wanting one of the indispensable conditions of a beneficial commercial exchange, to render it advantageous for us to receive specie in return for our produce. We have no use for any more specie than we already possess. It would be extreme folly to think of importing specie, as an article of consumption, in the United States. We can neither eat it nor wear it. It is not an article that we want for consumption. Its principal use is as the basis of our circulating medium, and for that purpose the supply is already ample, which we derive from our direct trade with the mining countries. Suppose the staple States were to import annually, if such consummate folly may be imputed to them, thirty, or even twenty millions of specie. What would they do with it? Of what value would it be to them? We should have no demand or use for a fiftieth part of it in the United States. To what country, then, should we export it? To Mexico or South America? They are the countries from which it originally came. To Great Britain, or France, or Holland? These are the countries from which, upon the supposition, we should receive it. But even if we could find a foreign demand for this specie, what article could we receive in exchange for it, that is not excluded by the

principle of your prohibitory system? Sir, it is by confounding specie as an article of commerce, with specie as the mere representative of value, that public writers have fallen into the strange delusion which I have thus attempted to expose. Specie, as an article of trade, is subject to the same laws that apply to any other article of commerce. It is only between the nations that produce it, and those which require it for actual use, that it can be an article of profitable trade. Between all others, it can answer no other purpose than that of a common circulating medium, by which the accidental balances of their annual exchanges may be adjusted and paid. I think, then, I have shown that the only articles we can receive advantageously from the countries which consume our agricultural staples, are those which are produced by the industry of those countries; and these are precisely the manufactures which it is the design of the prohibitory system to exclude altogether.

But, whatever may be said as to the matter of theory, no doubt can be entertained as to the matter of fact. Highly as you have taxed the manufactures of Great Britain, France, and Holland, we do actually import those manufactures, almost to the precise amount of the agricultural staples exported to the countries in question. We find it more advantageous to import the productions of those countries under a tax of forty-five per cent., than to import specie free of duty. Such being the actual state of the trade in question, does it not follow that a duty upon the exports of cotton, tobacco, or rice, would not be more burdensome to the planter, nor to any other interest concerned, than an equal duty upon the manufactures received in exchange for those exports? No ingenuity can draw any substantial discrimination between the actual operation of the two kinds of duty. Can it be at all material to the planter, whether he pays the duty upon the cargo he sends out, or upon that which he brings back? To give a familiar illustration, which every man of common sense will readily understand—would it be any more burdensome to the planter to pay a toll of forty per cent. upon the cotton he sent to market, than it would be to pay the same toll on the goods he received in exchange for it? The question is too plain to be argued. It would simply be the difference between paying as he went to market, and paying as he returned home. If, then, the duties were levied upon the export of our productions, what would become of the argument that the consumer pays the whole of the duty? It would be too absurd for grave consideration.

As our cotton, tobacco, and rice are consumed in foreign countries, it would follow, according to this argument, that we levied our taxes from foreign countries. It would only be necessary, therefore, to transfer our impost duties from imports to exports, to exempt our citizens entirely from the burden of our own taxes, and throw it upon the subjects of other nations.

But, sir, we cannot make foreigners pay the taxes we impose upon our own citizens. The market of Great Britain, for example, regulates the price, as well of the cotton we export to that country, as of the merchandise we import from it. Does not every man acquainted with the commerce of the country know that the price of cotton at Liverpool controls and determines the price at Charleston; and that the price of that article in Liverpool depends not upon your duties, but upon the supply compared with the demand—a supply derived not only from the United States, but from all the cotton-growing regions of the world? And, on the other hand, does any man suppose that the price of British merchandise, in New York, controls and regulates the price at Manchester? The price of this merchandise depends upon the general demand for it, in all the markets of the world. For the same reason, therefore, that a duty upon the exports of cotton cannot raise the price of that cotton in the British markets, a duty upon the imports of British

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merchandise cannot depress the price of that merchandise in those markets. The American cotton planter, then, pays a duty of forty per cent. upon the export of his cottons, or, which is the same thing, upon what he obtains for it, and cannot indemnify himself for any part of this duty, by raising the price of his cotton, or by diminishing the cost of the merchandise he receives in exchange for it. Who, then, ultimately, bears the burden of the tax? It is evidently levied upon the producer, in the first instance; for the merchant, who really pays it, is nothing more than the agent of the planter. Upon what principle of political economy, then, can it be maintained that the whole burden of the tax is ultimately thrown upon the consumer, on whom it is not laid by the Government, and that no part of it rests upon the producer, where the Government originally placed it? The producer has no power to throw the whole burden from his own shoulders, and place it upon those of the consumer. It would be most extraordinary if he had. The truth is, that every duty levied upon production, whether direct or indirect, whether of impost or excise, whether upon exports or imports, naturally divides itself between the producers and consumers, according to the relative circumstances in which they are placed. At first it must operate, in all cases, principally as a tax upon the producer. Suppose, for example, that an excise duty of forty per cent. were all at once levied upon hats. The tax would be collected from the hatters. They would actually pay the money to the Government. Could they immediately raise the price of hats in proportion to the tax levied upon them? They certainly could not. The only possible means by which they could raise the price of hats at all, would be by diminishing the production of them. If the supply was not diminished, nor the demand increased, no addition whatever could be made to the price. Now, a tax upon any article certainly does not increase the demand for it. Until the supply is diminished, therefore, by the withdrawal of some of those engaged in making the article, the price cannot be enhanced; and this withdrawal can only be made slowly and gradually. Let it be remarked, that it is only by the faculty of abandoning the branch of industry subjected to a tax, and engaging in some other that is more profitable, that the producer can throw any material part of the burden of taxation upon the consumer. If, therefore, a tax were laid upon all the other productions of the community equal to that supposed to be laid upon hats, the hatters could not find any relief by resorting to other pursuits. They surely would not leave an employment to which they were trained and accustomed, and in which their capital was already invested, to embark in a new and unaccustomed pursuit, subject to the same taxation. Such a change would not relieve them from the tax, and it would deprive them of all the advantages of their existing investments and acquired skill. The result would, therefore, evidently be, that the tax would fall almost entirely upon production. There would be a general fall in the profits of capital and the wages of labor. The tax would be paid by the producer, and yet he could not, in consequence of it, raise the price of his productions any thing like in proportion to it. Now, whatever circumstances in the condition of any class of producers prevent them from promptly and easily transferring their capital and labor from the pursuits in which they are engaged to other pursuits, will prevent those producers from raising the price of their productions, in consequence of any tax that may be imposed upon them; and, of course, from throwing the burden of that tax upon the consumers.

Let us now apply these obvious and well established principles of political economy to the actual condition of the southern planters. The Government has laid a tax (I will assume it to be forty per cent.) upon the productions of their industry. What is the power they possess to throw the burden upon the consumer? Can they diminish their

production, in consequence of the tax imposed upon their staples? Can they resort to any other employment more profitable than the one in which they are engaged, even with the burdens imposed on it? Sir, I answer from my own knowledge and experience, that they cannot. Nothing could be more impotent than any attempt to raise the price of their cotton in foreign markets, by diminishing their production of it. Their great and principal markets are in foreign countries, where they meet competitors from all the cotton-growing regions of the world. If we were to diminish the quantity of our own production, therefore, with a view to enhance the price of our staple, we should only create a vacuum in the foreign markets, to be immediately filled up by the cotton of South America, Egypt, Greece, and the East and West Indies. We cannot, therefore, diminish our production with impunity. It would be a fatal policy; for we should diminish the demand for our cotton, and open a market for the cotton of other countries, in exactly the same proportion. There is neither philosophy nor common sense in the idea that a tax imposed upon a branch of productive industry which depends almost exclusively on foreign countries for a market, can be thrown upon the consumers. Foreigners, sir, are the principal consumers of the productions of southern industry. But, even if we could enhance the price of our productions, by diminishing the quantity produced, how is this to be effected? Our entire capital is invested in lands and negroes; and the only staples we can cultivate to any advantage, or for which we can find a market, are those we now produce. Shall we, then, abandon our lands, manumit our slaves, and then go forth to seek new fortunes in distant regions? No, sir; our citizens would sooner perish than to be thus driven from their rightful inheritances and the homes of their forefathers, by this unrighteous system of oppression.

There are insuperable objections to the transfer of the capital and labor of the southern planter from the production of their present staples to any other employment. It has been suggested that we might enter upon the manufacturing business. All our habits disqualify us for this sort of employment. It would require ten or fifteen years of ruinous experiment before we could acquire even a tolerable degree of skill, and, even then, we could not rival the manufacturers either of Europe or of the northern States of this Union. But, even if we could succeed so far as to equal our domestic competitors, where should we find a market for our productions? It would be absurd to go to Europe, and equally so to go to the manufacturing States of our own country. From Mexico we are excluded by absurd restrictions, in imitation of our own; and, wherever a foreign market might be open, we should find ourselves forestalled and excluded by the manufactures of Great Britain and New England. Is it not an insulting mockery, then, to tell us that we ought tamely to submit to a system which drives us from our natural pursuits, because we have the wretched privilege of embarking in the production of manufactures, which we have no skill in making, and for which we could find no market after they were made? Great Britain alone could supply the whole world with manufactures, at little more than half the price for which we could afford to make them.

It must be perfectly obvious, that, even with more oppressive burdens than they have yet borne, the southern planters cannot, to any extent worth consideration, divert their capital and labor to other employments, and thereby diminish the production of their staples, with a view to an enhancement of their price.

Experience proves this most conclusively. And here I beg leave to notice, as connected with what I am now saying, a statement made by the Secretary of the Treasury in his annual report of 1828. To prove that the commerce of the country had been increased by the tariff

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of 1824, he stated, and correctly stated, that the imports of the four years succeeding that tariff exceeded those of the four years preceding it, to a very considerable amount. Now, nothing evinces the unsatisfactory and inconclusive nature of lumping statistical statements more clearly than this example: for, on analyzing the statement of our exports during the two periods alluded to, I find that almost the entire increase of those of the latter period over the former, consisted of the single article of cotton. And yet, sir, we were gravely told from high authority, that this fact conclusively proved that the tariff of 1824 had increased our foreign commerce. But, sir, though it did not prove what it was designed to prove, it established one thing quite conclusively, that the cotton planter, so far from having it in his power to relieve himself from the burden of taxation, by limiting his production, and thereby increasing the price of what he produces, is compelled, as the alternative least ruinous, to increase his production, in the hope of making up in that way for the diminished price. Yes, sir, the heavier and more oppressive your taxes have been, the harder has the planter labored; incessantly struggling against a declining market, and yet, by his extraordinary exertions, regularly adding to the aggregate value of the national exports. Between the years 1820 and 1828, the production of cotton exported was increased from one hundred and twenty-seven millions to three hundred millions of pounds, while the aggregate value of it was only increased from twenty-two to twenty-eight millions, indicating a fall in the price of cotton from eighteen to nine cents a pound; on the other hand, the exports of most of the other productions of domestic industry, and particularly grain, during the same period, decreased more in quantity than in value, indicating a gradual rise in their price. No contrast could exhibit, in a more striking point of view, the unequal and oppressive operation of federal taxation on the different portions of the Union; and none certainly could more conclusively show that it is utterly impossible for the planters to throw the taxes imposed on their productions upon any other class of the community.

It is so important, to a just comprehension of the operation of our tariff regulations, that we should clearly ascertain where the burden of our impost taxes really falls, that I must be excused for presenting to the committee another illustration, to show that it principally falls upon the producers of our exports. To avoid the confusion of ideas, which results from estimating the value of merchandise, and the duties imposed upon it, in money, I will dispense with the use of this, as I have done with the agency of the merchant. I will suppose, then, that the Government levies the duties in kind, and that, for every hundred bales of cotton the planter exports, the Government takes forty, and then places agents on board the vessel of the planter, to go with him to Great Britain, and sell the cotton thus taken from him, in common with his own. Is it not apparent that the very same quantity of cotton would go into the foreign market, as would have gone if no duty had been levied, with this difference only, that forty bales would belong to the Government, and sixty to the planter, instead of the whole belonging to the planter? No change, therefore, would be made in the British market by this division of the property between the individual and the Government. If we suppose each bale of cotton to be worth a piece of cloth, the planter would bring back sixty pieces, and the Government forty. The very same quantity would be brought into the domestic market as if the Government had levied no duty, with this difference only, that, instead of the whole belonging to the planter, it would be divided between him and the Government. Although the planter would receive only sixty pieces of cloth instead of one hundred, yet he could not get any higher price for it than if he had been permitted to import the whole hundred pieces: for it is wholly immaterial, as

to its effect upon the market price of the cloth, whether it is all imported by the planter, or a part by him, and the remainder by the Government. While the demand and the supply remain unchanged, no imposition of the Government can increase the price.

Let us suppose, then, that the Government takes no part of the cotton when exported, but permits the planter to export it without diminution. With his hundred bales of cotton, he purchases a hundred pieces of cloth. This would be the product of his industry—cotton converted into cloth. When he reaches the custom-house, the agent of the Government takes forty pieces of his cloth, as a contribution to the treasury. It is equally obvious, as in the former case, that the same quantity of cloth would come into the market, as if none of it had been taken by the Government. The price would be the very same, and, consequently, the planter would be deprived of forty of his hundred pieces of cloth, by the exaction of the Government, without any means of indemnifying himself by obtaining a higher price for the remainder. This, sir, is the actual operation of your import duties, stripped of the disguise with which they are invested. They are taxes upon those productions of domestic industry which go into foreign commerce; and although the consumers, as a class distinct from the purchasers, will, in the long run, be incidentally injured by whatever oppresses the producers, yet the burden primarily and principally falls upon the latter class. According to this view of the subject, the southern planter would bear the principal part of the burden of the imports levied upon the productions of his industry, even if he did not consume any of them himself, but imported them exclusively for the purpose of making exchanges for western and northern produce.

But, sir, even if we grant that the tax falls exclusively upon the consumer, I ask you, who consumes the productions of southern industry, if they are not consumed by the southern people? They are certainly the natural consumers of what they receive in exchange for their own productions. If they do not consume the very same articles they import, entirely and exclusively, they must consume some other articles obtained in exchange for them. Let us examine a little in detail what becomes of the imports of the South. In the first place, the Government takes forty dollars out of every hundred. That portion, of course, the planter cannot consume. But surely this circumstance does not diminish the burden imposed upon him. The fact that he does not consume it, is the very thing that makes the law, which deprives him of it, a burdensome tax upon his industry. As to the remaining sixty dollars, there can be no doubt that the people of the southern States are the direct consumers of the principal part of it. A portion of it, to be sure, is exchanged with the people of the northern States, either for other foreign merchandise imported by them, such as East and West India produce, or for their own manufactures. But this is precisely the same thing as if the southern people consumed the very articles obtained abroad for their own produce. What does it matter to the planter, whether he consumes the very cloth for which his cotton is exchanged, or the tea, and coffee, and sugar imported by the people of the North, in exchange for their productions and industry, or the manufactures of the North? These foreign productions and domestic manufactures are enhanced in price, quite as much as the cloth imported by the planter, in consequence of the duties. Thus far, then, the southern people pay the whole amount of the imposts laid upon their productions, regarding them as consumers merely. But it has been said that we exchange some three millions of our imports for the live stock of the western States, which is not enhanced in price by any duty. But even here the planter is not entirely relieved from his burden. Can he purchase as much live stock with sixty pieces of cloth, as he could with a hundred? It

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would be absurd to maintain such a proposition; and yet this is the only way in which he could relieve himself from the whole burden of the impost. The fact is, that he would be able to purchase but little more than half the quantity of live stock from the western people, that he could have purchased if no duty had been laid upon his imports. In this way, undoubtedly, the burden would be seriously felt by the western people. But this would not mitigate the suffering of the planter. You deprive him of the means of purchasing live stock to a very great amount, and to that extent cut off the market for the productions of western industry. By this process, as in all cases of prohibition, you destroy two values—that of the planter to the extent of the imposts, and that of the grower of stock to the extent that he is injured by losing a market for the productions of his industry.

Upon a general survey of the condition of the United States, it will be perceived that, owing to the causes intimately connected with the restrictive system, production is every where overrunning consumption. When to this circumstance we add the fact that the consumers of those articles of which you propose to enhance the price by your high duties, have so many other resources, and can resort to so many substitutes, to avoid paying the duties, every gentleman must be satisfied of the utter impossibility of throwing any thing like the whole burden of the impost duties from the producers, upon whom they are actually laid, to the consumers, upon whom they are not laid. The consumers of manufactured articles in the United States are very differently situated, thank heaven, from the consumers of grain in Great Britain. The enormous burden of the corn laws falls almost exclusively on the consumers. Corn is an article of absolute necessity, for which no domestic substitute can be obtained. The miserable British laborer, therefore, is obliged to consume the grain of the lordly landowner, at double the price it could be imported, or perish. But it is not so with the American consumers of cotton and woollen manufactures. Before they will consent to pay an enhanced price, proportioned to the duties imposed, they will clothe themselves in homespun.

Upon the whole, then, the only means which the producer has to throw the burden of a tax from his shoulders, is to diminish his production of the article taxed; and the means which the consumer has to avoid having it thrown upon him, is to diminish his consumption of that article. In this contest, the consumer has a decided and obvious advantage. It may be very confidently assumed, therefore, that at least one-half of the burden of the impost duties laid upon the return productions of the planter would be sustained by him as a producer, even if he consumed no part of those productions. But it cannot be doubted that the people of the southern States consume, of the articles imported in exchange for their staples, of other foreign articles subject to pay duties, and of domestic manufactures, equally enhanced by the tariff, to the amount of three-fourths of the entire return which they receive for their exports. It follows that the direct operation of the impost duties throws upon the people of the staple-growing States a weight of taxation very nearly proportioned to their exports.

But, sir, there remains to be presented a view of this subject, very little considered heretofore, either in this country or in Europe, which will exhibit the unequal and oppressive operation of this Government in a most striking light. When this is taken into the estimate, the committee will perceive that I have been quite within the mark, in assuming that the staple-growing States are burdened in proportion to the amount of duties levied upon their commerce. Next to the unequal exactions of Government, nothing can be more distressing to a country of such vast extent, than the unequal disbursement of its revenues. Great as I have shown the inequality to be, in the

contributions exacted from the different sections of the Union, the inequality of the disbursements of the Federal Government is still much greater. South of Norfolk—through the entire region extending thence south and southwest along the Atlantic and the Gulf of Mexico—a region which contributes two-thirds of the revenue of the whole Union—there is not annually expended an average sum of five hundred thousand dollars! Now, sir, I do not mention this unequal disbursement for the purpose of complaining of it, so much as with a view to explain the actual injury and suffering which result from it. I do verily believe, then, that a tax of ten millions of dollars, expended among those by whom it is contributed, would not be more burdensome and oppressive than a tax of five millions of dollars expended in a foreign country, or a distant portion of the Union. In other words, I believe any State, Pennsylvania for example, would find it an advantageous pecuniary speculation, to pay a million of dollars to the federal treasury, annually, upon the condition that the Federal Government should annually disburse two millions of dollars among the people of that State, in the purchase of grain, iron, manufactures, and such other productions as are there made for market. It is obvious that a new demand would be annually created for a million of dollars worth of the productions of Pennsylvania, and a new value thereby given to those productions. It would of course give the highest possible stimulus to productive industry; and at the end of the year the aggregate wealth of the State would be increased more than it would be diminished, by this fiscal operation of paying one million in taxes, and receiving two millions in disbursements. The most striking example of the influence of Government disbursements, of which history has kept any record, and that which first drew my attention to the subject, is that exhibited by Great Britain in the war against the French republic and the French empire. The extraordinary financial resources of Great Britain, in that eventful struggle, have excited the wonder and admiration of the world, scarcely less than the unparalleled military achievements and extensive conquests of the Emperor Napoleon. The spectacle of a nation annually expending some two hundred millions of dollars, and yet flourishing almost beyond any former example, seemed almost to baffle the profoundest speculations of political philosophy.

But the mystery is completely unravelled, when we advert to the fact that she annually borrowed, during fifteen years, one hundred millions of dollars. By this operation alone, the annual disbursements of the Government were made to exceed the annual amount of the taxes, very nearly one hundred millions. We have, therefore, almost the very state of things I supposed, in regard to Pennsylvania. The Government levied an annual tax of one hundred millions of dollars, and made an annual disbursement of two hundred millions of dollars. Great Britain was never so flourishing; and, if the same operation could have lasted forever, she would have continued to flourish on to the end. But it was not in the nature of things that it could last much longer than it did. Great Britain was acting the part of the prodigal, who converted his inheritance into an annuity for fifteen years, and then expended his whole annual income. She was living upon the resources of posterity, and, if she had gone much further, she would have exhausted them. But when peace was restored to Europe, the picture of British prosperity was reversed. When superficial observers were expecting an increased prosperity from the cessation of war and its expenditures, a scene of distress and ruin ensued, not more astonishing and apparently unaccountable than the former prosperity. But the one was just as natural as the other. The sudden withdrawal of the disbursements of the Government, to the amount of more than one hundred millions of dollars, without any corresponding reduction of the taxes, was like withdrawing his accustomed stimu-

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lus from a man who habitually took his bottle of wine a day. A paralysis was thrown over the industry and prosperity of the nation, from which no one can predict when she will recover.

Now, sir, when you have looked at this picture, and then looked at that; when you have compared the distress and suffering of Great Britain since the peace of Europe, with the prosperity which preceded it, you have, on the one hand, an exemplification, and only a faint one, of the blasting and withering influence of enormously unequal taxes levied in one portion of the Union, with scarcely any return in the form of Government disbursements; and on the other, of the animating and invigorating influence of large disbursements in portions of the Union that make scarcely any contributions, comparatively speaking, to the public revenue.

I will now ask the attention of the committee to a comparison which I propose to institute between the actual distribution of the burdens of the federal taxes among the different classes of productive industry and the different geographical subdivisions of the Union; and the distribution that would take place under a just and equitable system of taxation. What, then, is the true principle of distributive justice, in the apportionment of taxes among the different portions of the community? It is laid down in a work of the highest authority—and, indeed, no authority is necessary to give sanction to a rule of such apparent justice—"That the subjects of every State ought to contribute towards the support of the Government, as nearly as possible, in proportion to the revenue which they enjoy under the protection of the State. The expense of Government to the individuals of a great nation, is like the expense of management to the joint tenants of a great estate, who are all obliged to contribute in proportion to their interest in the estate. In the observance or neglect of this maxim, consists what is called equality or inequality of taxation."

According to this fundamental rule, the justice and equity of which no man, I am sure, in this committee, will venture to controvert, an income tax would be the nearest approach that could be made to that equality which ought to be the aim of every Government, and which our own constitution most carefully, but vainly, attempted to secure. With a view to ascertain what would be the result of such a plan of taxation, so far as regards its distribution among the various portions of the Union, I have made an estimate of the aggregate amount of all the incomes of the United States, giving, as the result, fifty millions of dollars. I have subjected this estimate to the test of several modes of calculation, and I think it rather under than over the truth. A British economist estimated the income of Great Britain, in 1820, at three hundred and fifty millions of pounds sterling; and I cannot suppose it will be deemed extravagant to estimate the income of the United States, in 1830, at as many dollars. What, then, would be the distribution of the burdens of the federal taxation among the different sections of the Union, if the people were taxed in proportion to their incomes? It is to be remarked that the exports of the staple-growing States constitute the principal part of their annual income. But that I may be certain of not making too low an estimate, I will assume that the income of all the persons engaged in producing cotton, tobacco, and rice, is seventy millions of dollars, nearly double the amount of their exports; and that the income of those engaged in producing cotton and rice is fifty millions of dollars. To produce a revenue of twenty-four million five hundred thousand dollars, a tax of only seven per cent. upon the aggregate income of the nation would be necessary. In the apportionment of this sum, upon the principles of an income tax; there would fall to the share of the growers of cotton, tobacco, and rice, only four million nine hundred thousand dollars, and to that of the growers of cotton and rice only three million five hundred thousand dollars; whereas all the other branch-

es of productive industry in the United States would have to contribute nineteen million six hundred thousand dollars. Let us now compare this equitable distribution of the taxes, with that which actually exists under our present system. The growers of cotton, tobacco, and rice, as I have heretofore shown, now actually contribute to the support of this Government fourteen million eight hundred thousand dollars, being nine million nine hundred thousand dollars more than their just proportion; and the growers of cotton and rice contribute twelve millions, being eight million five hundred thousand dollars more than their just proportion.

I am aware that the inequality of our present system of impost duties, as a scheme of taxation, is so enormous, that it is calculated to astound those who have not thoroughly examined the matter. With a view, therefore, of presenting the question in a more practical and a familiar point of view, I will suppose that a general excise were imposed upon all those productions which constitute the basis of the internal commerce of the Union, and that the impost duties upon foreign commerce were reduced to the same rate. As a mere question of distributive justice, it cannot be doubted, for a moment, that the exchanges of internal commerce should be subjected to the very same impositions with the exchanges of foreign commerce. It is essential, indeed, to the perfect equality of taxation, that all indirect taxes should fall precisely alike upon all the productions of domestic industry, made or manufactured for sale, whether at home or abroad. If the planter is called upon to pay a certain per centage upon the annual value of the cotton he exchanges for foreign manufactures, upon what human principle can it be contended that the farmer is not equally liable to pay the same per centage upon the annual value of the grain and other productions which he exchanges with the neighboring manufacturer; and that the manufacturers, of every description, are not equally liable to pay the same per centage upon the annual value of the manufactures they exchange for agricultural and other productions in the domestic market? An impost and an excise duty are precisely the same in principle, differing only in the solitary particular, that they fall upon different productions of domestic industry. And, whether the tax ultimately falls upon the producer or consumer, a just regard to the principle of equality would require that all the producers and all the consumers of the country should equally participate in sustaining the financial burdens of the State.

If the value of the cotton exported by the planter is to be regarded as the measure of his income, upon the very same principle the value of the grain sold by the farmer, or of the cloth sold by the manufacturer, should be regarded as the measure of his income, and the duty imposed accordingly.

Now, sir, it will be found, upon examination, that a general system of impost and excise duties, equally applicable to all commercial exchanges, whether foreign or internal, would bring us almost to the very same result as an income tax.

The advocates of the prohibitory system have habitually dwelt upon the insignificance of our foreign when compared with our internal commerce. In the well known address of the Harrisburg convention, it was assumed that the internal commerce of the Union amounted to five hundred millions of dollars, being nearly ten times the amount of our foreign commerce. I think this estimate extravagant, and will not, therefore, use it, even against the manufacturers themselves. It may be safely assumed, however, that the internal commerce of the Union amounts to two hundred and eighty millions, exclusive of the coasting trade in foreign merchandise. It follows, therefore, that while the whole of the taxes of the Federal Government are thrown upon less than one-fifth of all the productions of national industry—the average amount of imports being less than seventy millions of dollars—there are productions

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equally liable to taxation upon every principle of equity and justice, amounting to two hundred and eighty millions of dollars, which are not only entirely free from all Government impositions, but a large portion of which actually receive Government bounties! Sir, it is in vain for gentlemen to attempt to disguise this gross and monstrous inequality, under the vague notion that the ultimate burden of taxation falls exclusively upon the consumer. Even if this were true to the letter; it would not materially vary the case as to the unequal operation of the revenue laws upon the different sections of the Union. The complaint is, that upon less than seventy millions of the commercial exchanges of the country—principally belonging to the planting States—the whole of the federal taxes are levied, while upon commercial exchanges, equally liable to taxation, belonging to the farming and manufacturing States, to the vast amount of two hundred and eighty millions of dollars, no imposition at all is laid by this Government. Now I challenge any gentleman to point out a single instance in the history of the world—I will not except the cruel exactions of the Roman Government from the conquered provinces—that can be compared with our own revenue system, for the injustice and inequality of the contributions it draws from the people of the southern and southwestern States. When all the States of this Union were Atlantic States, and were interested very nearly in an equal degree in the foreign exchanges of the country, no great injustice resulted from making these exchanges sustain the whole fiscal burdens of the Government. But even in 1790, the period to which I refer, Alexander Hamilton, the putative father of the prohibitory system, deemed it unwise and inexpedient to carry the duties upon foreign merchandise higher than seven and a half per cent. How would he have been astonished if any one had predicted that, in less than forty years, fourteen million eight hundred thousand dollars, out of a revenue of twenty-three millions of dollars, would be raised by duties upon little more than one-ninth part of the productive industry and commercial exchanges of the Union!

I am sure, if gentlemen did not permit themselves to be carried away by a mere distinction in names, this unequal distribution of the taxes would strike them more forcibly than it now does. If the whole revenue of the United States were raised by an excise, and, instead of levying an impost on the merchandise imported, an excise duty to the same extent were levied upon our cotton when sold to the merchant, and before it reaches the custom-house, the palpable injustice, the outrageous inequality of the system, would be apparent to every one. It could not then be disguised, that the Government was exacting an excise duty of forty per cent. from the cotton planters, while, upon the productions of other parts of the Union, standing upon precisely the same footing, and amounting to nine times the value of the cotton made for exportation, it exacted no duty at all. Now, as I have heretofore shown that an import duty is precisely equivalent to an export duty upon the same commercial exchange, it follows, from the same course of reasoning, that an excise duty paid upon cotton when it leaves the storehouse of the planter, is precisely equivalent to an export duty paid at the custom-house. Both are equally taxes upon the productions of the planter, and operate precisely alike in all their bearings, whether we regard them as throwing the burden of the tax upon the producer or the consumer. And I have no hesitation in saying that I would regard a law imposing an excise duty of forty per cent. upon all cotton sold by the planters in the United States, and providing at the same time that foreign merchandise received in exchange for it might be imported free of duty, as making not the slightest change in the burdens under which we now labor. How, then, let me ask—and I beg gentlemen to answer me the question, if with clear consciences they can—how would a law strike them, which provided, in terms,

that an excise duty of forty per cent. should be levied upon all the productions of the southern States, whereas, of the immense amount of the productions of the northern, middle, and western States, only twenty millions should be subject to a similar excise, and the remaining two hundred and eighty millions expressly exempted from any imposition at all? Would such a law bear inspection? Would not such an invidious and unjust distinction shock the moral sense of every man in the community? And yet, sir, the law I have supposed would do nothing more than express, in words, what actually exists at this moment in the revenue laws of this Government, wrapped up and disguised in the indirectness of their operation, and the generality of the terms in which they are expressed.

I have been recently looking into a British production of high reputation, which speaks in strong terms of the intolerable weight of British taxation. As a conclusive argument in favor of a reduction of the taxes, the writer asserts that they amounted, including the corn laws and poor rates, to a tax of thirty-three and one-third per cent. upon the income of every individual in the kingdom. This he regarded as being so very oppressive, that no people could possibly endure it. Now, sir, every cotton planter in the United States pays a tax of at least thirty-three and one-third per cent. upon his income to sustain the Federal Government, in addition to his contribution to the revenue of the State in which he resides. Indeed, as almost the whole of his income is derived from the exchanges of foreign commerce, the tax he pays upon the annual amount of that income cannot be estimated at much less than the rate of the duty which is indirectly laid upon the productions of his industry. And thus it is, that while we are vainly and ignorantly boasting of our freedom from taxation, the people of a portion of the Union are subject to a more oppressive burden than the most heavily taxed people on the face of the earth.

Thus far, I have confined myself to the consideration of the mere fiscal operations of the Federal Government, and have attempted to show the unequal action of your revenue system upon different parts of the Union, without reference to the protection afforded by the impost duties to certain branches of domestic industry. It now becomes my duty to trace the operation of what has been very inappropriately denominated the protecting system; and to ascertain, if possible, how far it contributes to increase the inequality of the burdens imposed by the Federal Government upon the people of the staple-growing States.

And, sir, let it be remembered that a revenue system, grossly and palpably unequal in itself—a system which, under the most favorable modification, would levy the entire amount of the federal taxes from one-fifth part of the productions of the Union, while the other four-fifths are entirely exempted from all manner of imposition—let it be remembered, I say, that this is the substratum upon which has been reared this monstrous and iniquitous superstructure—the protecting system. It did not satisfy the manufacturers and their confederates, that the whole expense of supporting the Federal Government should be sustained by those branches of domestic industry which make up the foreign commerce of the country—it did not satisfy them, that they themselves were not only exempted from all impositions of the Government, but actually received an indirect bounty from the imposts laid upon other branches of industry for the purposes of revenue. No, sir; all this did not satisfy them; they are now making a sure and steady, and, for any thing that can be done here, an irresistible progress in the system of legislative warfare, by which will be ultimately swept from the face of the ocean a large and valuable branch of foreign commerce, exclusively belonging to the staple-growing States, and which now actually contributes two-thirds of the revenue of this Government. And, this, sir, is what they are pleased to denominate a system of protection.

This system, which has been gradually built up, as far as it has gone, by successive acts of Congress, on the ruins of southern commerce, has now become, in the estimation of some gentlemen, an object of idolatry too sacred to be touched without profanity. When, at an early period of the session, I had the honor to introduce a bill to modify the existing tariff by a very moderate reduction of the duties, a very extraordinary excitement was manifested. A gentleman from Pennsylvania rose in his place, and, as if some great indignity had been offered against the majesty of the protecting system, approaching to the guilt of treason, the measure was unceremoniously condemned, and strangled at the very threshold, without the common forms of parliamentary proceeding. The gentleman to whom I allude, [Mr. RAMSEY] as an excuse for a course so unusual and uncourteous, stated that he had no idea of having the repeal of the tariff of 1828 discussed or agitated, until we had ascertained, by experience, whether it was really as injurious as it had been represented. I should be very unwilling to permit an ignorant physician, wholly unacquainted with my constitution and habits, to indulge in experimental quackery, at the imminent hazard and almost certain sacrifice of my life. For the same reason, I cannot consent that the vital interests of my constituents should be put to hazard upon the result of an experiment in political quackery, which can only end in the ruin of those interests. The gentleman says, give it a trial; not reflecting that, when the result is ascertained, the patient may be dead. What has taken place, forcibly reminds me, sir, of the mode of trial adopted in times not quite so enlightened as the present, for ascertaining the guilt or innocence of certain venerable old women, charged with the dreadful crime of witchcraft. In the dark ages of jurisprudence, these predestined victims were subjected to a species of trial, denominated, I believe, the water ordeal. The mode of trial was very simple; and, as it was no doubt supposed, perfectly fair and equitable. A large stone was tied around the neck of the person accused, and she was cast into deep water, under the very natural belief, that if she was really guilty of dealing with the devil, he would not permit her to sink. While, therefore, humanity cried out for the rescue of the struggling and sinking victim, the stern justice of the times replied, "let her alone! let her alone! if she be really a witch, she certainly will not sink." I need hardly state to this enlightened audience the final issue of the trial. The innocence of the accused was most conclusively established; but, unfortunately for the poor old woman, it was not ascertained until after she was consigned to a watery grave, and placed beyond the hope of resuscitation. And such, sir, will be the inevitable fate of that branch of our foreign commerce which is the rightful and almost exclusive property of the planting States. I have no idea of indulging gentlemen in these witchcraft ordeals with the rights and interests of the whole southern and southwestern portions of this Union.

I am not unaware, sir, of the prevalence of an idea that the Government stands pledged to maintain the system of high and prohibitory duties, from the mere circumstance of having once enacted it. Nothing can be more utterly fallacious, than the idea that the faith of the Government is concerned in the maintenance of an unjust and oppressive system, simply because it has been adopted. It assumes that the Government is some ideal being at Washington, who has persuaded the manufacturers and others concerned to invest their capital in certain pursuits, by giving them the assurance that the high duties would be maintained. Now, sir, what is the Government by which this pledge has been given to the manufacturers? Is it not composed of the representatives of these very manufacturers, and of the interests associated with them, making together that interested and despotic majority, by which the most undoubted rights and interests of the minority have been

sacrificed? And, sir, is it to be endured, that these men should gravely get up and urge their own acts of injustice and oppression as creating a pledge to maintain and extend their encroachments upon the rights of the minority? Sir, I protest against a doctrine which thus sanctifies and consecrates to-day, what was admitted to be injustice and oppression yesterday.

What, then, let us briefly inquire, is the tendency, and what has been the effect, of the high duties imposed for the purpose of protecting manufactures and other domestic productions? It is too plain to admit of argument: indeed, it has been candidly admitted by the chairman of the Committee on Manufactures, in former discussions, that domestic productions can only be protected by prohibiting the foreign articles that would come in competition with them. He openly avowed that he aimed at prohibition, and it would have been folly to have aimed at less, if he really meant to give protection. No duty can give any protection to any domestic fabric, which does not exclude a similar foreign fabric; and, in the very nature of things, the amount of protection cannot exceed the amount of prohibition, though it may, and generally does, fall short of it. You cannot create a demand, for example, for any domestic manufacture, by legislation, otherwise than by excluding a similar foreign manufacture; and as your legislation is calculated to enhance the price of the article, you certainly cannot create by it a demand for a greater amount of the domestic fabric than you exclude of the foreign. It may be confidently assumed, therefore, that whatever may be the amount of iron and salt, and manufactures of cotton, wool, iron, and hemp, which have been brought into existence in the United States by the system of high protecting duties, at least an equal amount of foreign rival productions has been excluded by those duties. It will not be deemed an extravagant estimate to suppose that the protecting system has caused to be produced, annually, articles of these various kinds, to the amount of twelve millions of dollars, which would not have been produced, but for the protection given them. It follows, then, as a corollary, that at least an equal amount of these articles of foreign production must have been excluded. But these are the very articles which we receive from Great Britain, France, and Holland, in exchange for our agricultural staples. By excluding twelve millions of such articles, therefore, we necessarily diminish the foreign demand for our staples, and principally cotton, to that amount. There is scarcely any limit to the consumption of our cotton in Europe, but that which is imposed by our refusal to take manufactures in exchange for it. If, therefore, we were permitted to import the twelve millions of dollars worth of manufactures that have been excluded by our commercial restrictions, or, rather, if they had never been excluded by those restrictions, it cannot be reasonably doubted that we should now have a demand in Europe for four hundred thousand bales of cotton, beyond the existing demand. Even, therefore, if we grant, what is not the fact, that the whole of the domestic demand for cotton has been produced by the prohibitory effect of our tariff, it will follow that we have gained a market for one hundred and fifty thousand bales, by sacrificing one for four hundred thousand. From this estimate, it will be seen that the prohibition of foreign imports has resulted in curtailing the entire demand for cotton in the markets of the whole world, including our own, two hundred and fifty thousand bales. In addition, then, to the annual burden he bears in paying the duties upon the imports he is still permitted to bring into the country, the planter sustains an annual loss of seven million five hundred thousand dollars, being the value of the cotton for which he has lost a market, in consequence of the unjust restrictions imposed upon his lawful commerce by the suicidal policy of his own Government.

I think I have by this time satisfied the committee that

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I have not exaggerated the burdens of the southern planters in stating that a duty of forty per cent. upon the amount of their exports may be taken as the measure of these burdens. I have not the slightest doubt that I have greatly under-estimated those burdens, looking to the operation of your impost duties in the double aspect of a system of revenue and a system of protection. Having now, sir, made out the case of the southern planters—having demonstrated the grossly unequal and oppressive operation of your whole tariff system upon the productions of their lawful industry, I will now proceed to the consideration of the principal ground upon which the advocates of this system have attempted to rest it, as a measure of justice and expediency. It is almost universally conceded by all the supporters of the protecting policy, from Alexander Hamilton down, that if all other nations would throw off the restrictions they have imposed upon commerce, it would be wise in the United States to pursue the same policy. But it is contended, that, as long as other nations continue to impose restrictions upon the free importation of our productions, it is expedient and necessary that we should countervail their regulations, by imposing similar restrictions upon their productions. Now, sir, if I am not greatly deceived in the view I have taken of the matter, this is the capital error which lies at the foundation of the whole protecting system. And nothing will, perhaps, tend more clearly to expose the true genius and character of that system, than a brief examination and exposure of this error. I waive, for the present, as belonging to another branch of inquiry, the policy of countervailing regulations, calculated and designed to induce other nations to abandon their restrictions. No one pretends that ours are of that character, either as to their design or tendency. As a mere question of political economy, then, I maintain that the restrictions which foreign nations impose upon the importation of any production of ours, in pursuing their established policy, furnish not the slightest ground, upon the score of interest or expediency, for imposing similar restrictions upon any of the productions of these foreign nations. I will illustrate my view by considering the operation of the British corn laws upon the commerce of the United States. Let it, then, be granted that Great Britain has absolutely prohibited the importation of foreign grain. No one pretends that she has not an undoubted right, under the law of nations, to do so. We have no just cause to complain of it. Indeed, her policy in this respect is not only imitated, but applauded by the advocates of the restrictive system here. Then, sir, the exclusion of our grain from Great Britain is simply a fact to be considered by this Government, without any regard to the causes that have produced it. It is precisely the same thing to the grain growers of this country, as if the increased fertility of Great Britain, resulting from a newly discovered manure, had enabled the farmers of that country to produce grain as cheaply as it can be produced in Kentucky or Ohio. There could be no more effectual exclusion of our grain than would result from this. And yet I can hardly suppose there is a man in the world who would be so absurd as to contend that these agricultural improvements in Great Britain would furnish any colorable ground for excluding her manufactures; or, in other words, for prohibiting the free exchange of those of our productions which she might still require, for such of her own as she could most advantageously give us for them. Now, it seems impossible for human ingenuity to draw any substantial discrimination between the case I have supposed and that of the British corn laws. In both instances, we lose a market for our grain, in the one from natural and in the other from artificial causes; and the question which arises upon this state of facts, is simply this: would it be wise in us to deprive ourselves of our remaining commerce with Great Britain, because circumstances beyond our control have deprived us of a portion of it? The value of what remains, and the

importance of preserving it, are certainly not diminished by what we have unavoidably lost. On the contrary, the inducements to preserve and extend it are rather increased than diminished; and if a common interest pervaded the whole Union, a doubt would not be entertained on the subject. To exemplify this, sir, I will suppose the whole United States to be the property of a single individual. Would the owner of this vast estate be guilty of the consummate folly of refusing to carry on a free and unrestricted trade in cotton, tobacco, and rice, because his customer either would not purchase or could not purchase his grain also? Such absolute fatuity cannot be ascribed to any individual having the common use of his faculties. And yet, sir, such is the wisdom that governs the affairs of nations, this Government is now actually exhibiting the very infatuation which cannot be imputed to any individual, however ignorant and stupid.

The great misfortune is, sir—and it gives us the true key to this whole system—that, while this Government is an undivided and indivisible unity, the country over which it extends is divided into various and—disguise it as we may—diametrically adverse interests. Hence, it results, that the law which throws a restriction upon the commerce of the southern States, to the great and obvious injury of the planter, is obviously calculated, and professedly intended, to promote the interest of the northern manufacturer. If the manufacturer can gain ten per cent. by the restriction, it is his interest to adhere to it, though it impose a burden of forty or fifty per cent. upon the planter. Hence it is that the majority of this House are pursuing a policy with regard to the interests of the whole Union, which no human being would pursue in regard to his own interest. It is worth while, sir, to trace the operation of this policy a little more in detail. Great Britain, it is alleged, will not, or, which is the same thing, does not, in fact, purchase the grain of the northern, middle, and western States, and, consequently, those States have nothing wherewith to purchase British manufactures. This is the complaint. Now, sir, if this be true, the wisdom of man could not more effectually exclude British manufactures, or give a more complete protection to domestic manufactures, in those States. If they have nothing to give in exchange for British manufactures, what earthly necessity is there to exclude them by law? The domestic manufacturer is absolutely secured against foreign competition by the single fact, that the British manufacturer will not take any thing in exchange for his fabrics, which the people of those States have to give. What, then, is the real object of the restrictions which the tariff States are so anxious to throw about our foreign commerce? It is not, sir, be assured, to prevent those States from importing British manufactures, who have nothing to give in exchange for them. That would be impotent and gratuitous legislation. The true object—disguise it as gentlemen may—is to prevent those States who have the means of paying for British manufactures, and who have a deep and vital interest in preserving that branch of commerce, from importing those manufactures, in order to promote the interest of those States who have not the means of paying for British manufactures, and who really have, or believe they have, a deep and vital interest in destroying that branch of commerce. Twist it and turn it as you may, “to this complexion it must come at last.” Hence it is, that to the gross inequality of the revenue system of the United States, the majority of Congress have superadded the intolerable burdens of the prohibitory system. Will any gentleman from Massachusetts, or Rhode Island, or Vermont, have the hardihood to maintain that the duties imposed on cotton and woollen manufactures, varying from forty to sixty per cent. are equally a burden upon his constituents as they are upon mine? Will any gentleman from Pennsylvania assert that the enormous duty upon iron imposes an equal burden upon the people of Pennsylvania and upon those of

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South Carolina? On the contrary, do not these gentlemen distinctly and openly avow that the duties which throw a grievous and oppressive burden upon the people of the southern States, operate as a beneficial and sustaining bounty to the people of the northern and eastern States? I do firmly believe, that, if the proceeds of the public lands would defray the whole expenses of the Government, or if the staple-growing States would assume the responsibility of paying those expenses out of revenues raised by themselves, there are certain States in this Union—I allude to those emphatically denominated tariff States—that would not consent to a repeal of the impost duties. No, sir, they gain much more than they lose, by the aggregate effect of the duties imposed, and the disbursements made, by this Government, regarding the system in the light of a mere pecuniary speculation. If a foreign invention were made, by which the operations of Government could be carried on without the expenditure of a single dollar, those States would regard it as a nuisance, and prohibit its importation by as rigorous penalties as are now proposed in regard to foreign manufactures. A greater calamity could scarcely happen to the interests of northern capital, confederated in favor of the protecting system, than would result from an entire suspension of the fiscal operations of this Government, including both taxation and disbursement. This extraordinary, but undoubted fact, that those who control the legislation of Congress have a decided pecuniary interest in the increase and perpetuation of the burdens of taxation, brings me to the consideration of a view of this subject deeply interesting to the people of the southern portion of this confederacy, and involving the highest principles of constitutional liberty.

The southern States, actuated by that uncalculating patriotism for which they have always been distinguished, have submitted, without a single murmur, to a system of taxation which has drawn from the productions of their industry, at least, double the amount of their just contribution to the federal treasury. But, sir, when they find an interested majority, "which feels power and forgets right," steadily aiming the imperial ban of the prohibitory system at the absolute annihilation of that very branch of commerce which has so largely and disproportionately contributed to support the expenses of the Federal Government—when they find that majority, confident in the strength of numbers, openly and boldly avowing the unjust, and, I had almost said, nefarious and piratical purpose of sweeping from the very face of the ocean a lawful branch of trade, which almost exclusively belongs to the people of these States—it is time for them to rise up in the majesty of their rights, and demand, in the name of the principles of eternal justice and of constitutional liberty, "by what authority do you commit this monstrous outrage?"

Sir, I never have been an advocate of strict limitations or technical refinements, in construing the constitution. I have always interpreted that instrument as I would any other, by its plain sense and obvious intention, having regard both to the letter and spirit. Taking these for my guide, I utterly deny that Congress has the constitutional power to carry on a legislative warfare, either open or disguised, against any branch of foreign commerce, with a view to the advancement of any other branch of national industry. I know, sir, that I shall be asked if Congress have not the power of laying impost duties for the purposes of raising revenue, and also the power of "regulating commerce with foreign nations;" and to these questions I answer in the affirmative. I shall be then asked, how it would be possible for the Supreme Court to pronounce a law of Congress unconstitutional, which purports, upon the face of it, to be a revenue measure, or a measure for the regulation of commerce. To this I answer, that the Supreme Court could not, and would not, pronounce such a law unconstitutional, because they can-

not look into the motives of the Legislature. But, sir, a law, or a system of laws, calculated and designed to destroy commerce, or any branch of it, is not the less unconstitutional because the Supreme Court cannot pronounce it to be so. It is not a question of which that court could take cognizance. It turns upon great political principles, which would be entirely out of place in a mere technical argument before a judicial tribunal, but which this body is under the most solemn obligations to regard in all its proceedings.

As no one now pretends that these prohibitory duties are imposed for the purpose of raising revenue, I shall proceed to inquire how far they can be justified by the clause of the constitution which authorizes Congress "to regulate commerce with foreign nations." What, then, was the object of the convention in clothing Congress with this power to regulate foreign commerce? I put it to the conscience of every member of this body, upon the high responsibility under which he is acting, to answer me the question, whether this power was not vested in Congress for the sole and exclusive purpose of preserving, protecting, and defending the very commerce which it proposes to regulate. No one, I am sure, can seriously believe that there is any other legitimate object for which this power can have been conferred, or for which it can be rightfully exercised. By constituting Congress the guardian of our foreign commerce, the constitution has imposed upon that body the high duty of extending its protecting arm equally and impartially to every lawful branch of that commerce. No restriction, therefore, can be lawfully and constitutionally imposed upon the foreign trade of any part of this Union, that has not for its object the preservation, security, or improvement of the very branch of trade upon which it is imposed. Any man who will look into the history of the times which immediately preceded the Federal Convention, will be satisfied that the great object of convoking that assembly, and of creating this Government, was to provide for the security of our foreign commerce. What language then can be used strong enough to characterize those prohibitory regulations of Congress which are inevitably calculated, and openly and avowedly intended, not only to suspend for an indefinite time, but utterly to abolish and destroy, forever, a great branch of commerce belonging to eight sovereign States of this confederacy? There is nothing, sir, either in history or fable, that can be compared with this most unnatural and monstrous perversion of power. The very commerce which this Government was created to preserve, and which it is under the clearest and most solemn constitutional obligations to protect and defend against all foreign outrage, is actually destroyed by the Government which was created to preserve it, and professing to act under a power evidently conferred for no other purpose! Yes, sir, and to add mockery to the outrage, Congress very modestly claims the title of a parental and protecting government, for the very act of sacrificing that commerce which it is bound to preserve, to build up on its ruins a distinct branch of industry—domestic manufactures—which the constitution has not committed to the guardianship of the Federal Government in any respect whatever. The monster which should devour his own offspring, would not commit a greater outrage against nature, than this body is thus perpetrating against the constitution under which it assumes to act, and from which only it can derive any legitimate authority. The only cause which can justify Congress in imposing restrictions and prohibitions upon commerce, is the violation, by foreign powers, of those principles of international law which are the guaranty of our commercial and other sovereign rights as a nation; and the only constitutional object to which these restrictions and prohibitions can be directed, is to induce or constrain foreign powers to repeal the regulations, or abandon the

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course of action by which our national rights are violated. This Government was principally designed by its framers to concentrate the whole power of the confederacy, for the purpose of resisting the aggressions of foreign nations upon our rights on the ocean. If no such aggression has been committed, if all our rights of commerce and navigation are secure under the protection of the law of nations, even from apprehended encroachments, then, sir, I maintain that the case has not occurred, in which this Government may rightfully interpose its power to vindicate the sovereign rights of the confederacy, either by military force or legislative restrictions and prohibitions.

I will now illustrate my views on this subject, by a brief examination of the embargo of 1807, a measure too memorable to have been forgotten, and with the history of which, I take it for granted, every member of the committee is familiar. It is a well known fact, that an entire political party, constituting a decided majority of the people of New England, and headed by men of very distinguished talents and great political experience, denounced the measure in question as an unconstitutional perversion of the power to regulate commerce. I believe, sir, that every public functionary, from the chief Executive downwards, and every department of the Government in almost every New England State, solemnly pronounced the embargo law unconstitutional.

There never was a political party arrayed against this Government with more unanimity upon any question, than were the federal party of New England upon the unconstitutionality of that measure. Now, sir, what was the ground upon which it was contended that the embargo was unconstitutional? I have recently heard that ground stated, from high authority, in a speech delivered not far off, in which the idea seemed still to be maintained. The ground was this: that the embargo law contained no limitation upon its face, and was, therefore, an indefinite suspension of commerce. To suspend commerce indefinitely, is to destroy it; and the power to regulate commerce does not confer the right to destroy it. Such, sir, was the argument, as I understand it. Though it is certainly a plausible and imposing argument, I do not think it a sound one. It entirely overlooks the cause which induced Congress to pass the embargo law, and the object to accomplish which it was enacted, both of them considerations essential to the correct determination of the question of constitutionality. Let it be remembered that the belligerent powers of Europe had committed a series of outrages upon our national and commercial rights, in open violation of the clearest principles of the law of nations. Here, then, was an undoubted case for the constitutional interposition of the power of the Federal Government. The *casus fœderis* of the constitutional compact had evidently occurred. The rights of the citizens were violated by foreign powers, and this Government, having in charge the foreign relations of the country, was not only authorized to vindicate those rights by commercial restrictions, but even by war itself—the last resort of injured nations. Indeed, the embargo was a war measure in all its material characteristics, viewed in reference either to its causes or its objects.

And what, sir, was the end, the final end, which Congress proposed to accomplish by the embargo? Was there a man in America at the time—is there a man in America at present, so far gone in the delusions of party prejudice, as to believe that Mr. Jefferson, in recommending the embargo, or Congress in adopting it, aimed at the permanent destruction of commerce, or of any branch of it, as the ultimate and final end of that measure? It will hardly be doubted, at this day, that the sole and exclusive object which the Government had in view, in this temporary suspension of foreign commerce, was to compel the belligerent powers to relieve that very commerce from the shackles and restrictions which they had thrown around it, contrary to the law of nations, and in violation of the sovereign rights

of the United States. I am decidedly of the opinion, therefore, that the embargo was a constitutional measure; but I am very far from believing that it was a wise one.

Let us now see how the prohibitory acts of 1824 and 1828 will stand a comparison with the embargo of 1807, in regard to the two essential requisites of a constitutional regulation of commerce. I mean a sufficient cause, and a justifiable object. What, then, was the cause of these two prohibitory acts? Was it pretended that any foreign power had violated our rights, by imposing restrictions upon our commerce, not warranted by the law of nations? So far from this being the case, the only measure of a foreign power, which has been alleged as a motive for a prohibitory tariff on our part, is the prohibition of foreign grain by Great Britain; a measure as highly applauded as it was unwisely imitated by the advocates of the prohibitory system in this country. It was not to vindicate any violated right, then, that the acts of 1824 and 1828 were passed, and thus far they want the justifying cause that existed in the case of the embargo. What, then, is the object, the final end, which these acts purpose to accomplish? Are they intended to compel any foreign power to abandon restrictions injurious to our commercial rights, or even detrimental to our commercial interests? This will scarcely be pretended. The only foreign restriction which has been alleged as an interference with our commerce, is that imposed by the British corn laws.

Now, will it be seriously argued that the manufacturers of the United States are anxious to induce or constrain Great Britain to repeal her corn laws? Will any man in this House hazard the assertion, that the prohibitory duties imposed by Congress were designed to produce such an effect? Nothing, sir, was more remote from the wishes of those by whom these duties were imposed. When the subject of negotiating a commercial treaty with Great Britain, providing for a reciprocal free trade between the two countries, was agitated some months ago in the public journals, in what tone and temper was it denounced by the advocates of the manufacturing interest? And when a bill was reported a few days ago by the Committee on Commerce, proposing to effect the same object, in a partial degree, by legislation, what an electric terror seemed to run through the ranks of the tariff party in this House?

No measure could be adopted by any foreign Government, and particularly by that of Great Britain, that would be more earnestly deprecated by the friends of the protecting system in this country, than an unconditional repeal of all commercial restrictions. If the British Parliament were about to abolish the corn laws, the manufacturers of the United States, if there was any disguise in which they could present themselves, would pray for a continuance of those laws as devoutly as the British landlords. Their repeal, sir, would be the most fatal blow that could be inflicted on the manufacturers in this country, next to the repeal of our own prohibitory duties. What would be the effect of this repeal upon the competition between the British and American manufacturers? While it would diminish the price of grain one-half in Great Britain, and produce a corresponding reduction in the price of labor, and consequently in the cost of manufactures, it would produce an effect almost precisely opposite in the United States. It is an established principle of political economy in Great Britain, founded upon the actual condition of the laboring classes, that every rise or fall in the price of grain produces a rise or fall in the price of labor, almost exactly equal to increased or diminished cost of food for the laborer. This results from the fact, that the laborer is reduced to the minimum of human subsistence. His employer will not give him more, and cannot give him less. A reduction in the price of corn, therefore, from two dollars to one dollar a bushel—an effect which would probably result from the repeal of the British corn laws—would reduce the price of labor twenty-five per cent., and the cost of producing ma-

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manufactures twelve and a half per cent. This would be equivalent to a bounty to the British manufacturers, in their competition with those of the United States, while the latter would experience the disadvantage resulting from the increased price of grain, and consequently of labor, in this country, proceeding from the same cause. That I have not overrated the effect of the repeal of the corn laws of Great Britain, may be inferred from the fact, that a very intelligent writer in that country has expressed the opinion that the productive industry of the nation would be as much relieved by the abolition of the corn laws, as it would by the total extinguishment of the public debt. It would be absurd to suppose, therefore, that the tariffs of 1824 and 1828 were designed to produce a repeal of the British corn laws. It follows that there is nothing, either in the causes which gave rise to those measures, or the objects they were designed to accomplish, at all connected with the foreign relations of the country, or of a nature to give them any pretensions to be considered constitutional regulations of commerce.

What, then, was the real cause, and what the real object, of the prohibitory laws of 1824 and 1828? Did they proceed from any commercial regulation of foreign powers, injurious to the rights or interests which have been committed by the constitution to the guardianship of this Government? Assuredly they were not. Were they intended to foster and protect any branch of our foreign commerce, or any other national interest entrusted to the protection of Congress? The very reverse, sir. It cannot be disguised, indeed, it has been openly avowed, that they were intended for no other purpose than to annihilate, not for a season, but for all time, a lawful branch of commerce which Congress is constitutionally bound to protect, in order to build up on its ruins another branch of industry with which Congress has no more right to interfere than with the parish poor rates.

I ask you then, sir, in the name of the constitution, and of the principles of eternal justice, what right has Congress—what right can any human Government possess—to destroy the interests of one entire section of this confederacy, to promote the interests of the other sections? What right have you—I put the question to the majority of this House, in the name of all the people of the southern States—what right have you to lay your hands upon our property—upon that which is ours by the highest of all earthly titles—the blessing of God upon our own honest industry, and arbitrarily appropriate it to your own use, or to that of your constituents? No freak of tyranny, ever committed by an absolute despot, can exceed this outrage upon the principles of natural justice, which you are perpetrating under the perverted powers and prostituted forms of a free Government.

We have an undoubted natural right to the enjoyment of that commerce which you are now engaged in the unrighteous work of sweeping from the great highway of nations. Superadded to this natural right, we have a constitutional right to call upon the majority of Congress, as the special guardians of this very commerce, to guaranty the enjoyment of it, not only against the lawless pirates of the ocean, but against the injurious regulations of foreign States. And it is in this state of our mutual rights and obligations, that this majority are carrying on a system of legislative piracy—degrading the Government from its high estate, and reducing it from the sacred relation it ought to bear to all the interests of the Union, into a disgraceful confederacy with sea robbers and outlaws. Sir, this is no picture of the imagination; for I solemnly declare that I would rather, as a southern planter, take my chance, unaided by the public arm, against all the pirates that ever infested the great deep, than to be subject to the comprehensive and desolating sweep of the prohibitory system.

And now, having shown that the tendency and object of

this system is to confiscate the commerce of the South, under the false and delusive pretext of regulating it, and to appropriate the proceeds of the property thus confiscated and condemned by the high admiralty of this system of plunder, to the special and exclusive uses of the northern capitalists, I beg leave to call the attention of the committee to a view of this subject, well calculated to develop and illustrate the true genius and character of the system.

The representatives of the manufacturing and tariff States allege that they have large and extensive manufacturing establishments, which it is their interest and their right to encourage and protect, and deny the right of the southern representatives to interfere with their protecting policy. Now, sir, as a southern representative, I claim no right to interfere with any protection, which any portion of the northern States may choose to extend, at their own expense, to their own manufactories. All I pretend to claim, is the right to put my veto upon this scheme of injustice and plunder, by which the property, the rightful and exclusive property, of my constituents, is unconstitutionally applied to that object.

There cannot be a proposition more self-evidently just and equitable, than that those States in which the manufacturing establishments are situated, should bear the burden of protecting them. Can a man be found, sir, in this House, or out of it, who would have the boldness to contest this position? Then why do not the manufacturing States protect their own manufactures? Will it be pretended that they have not the constitutional power? Has not the Legislature of every State in the Union an unlimited power to impose taxes upon the people of the State, and appropriate the proceeds, in the form of bounties, for the protection of domestic manufactures, or any other branch of domestic industry? No man of common information—no man, indeed, of common sense, will deny that every State Legislature has this power. Why, then, is it not exercised? Is the protection it would afford less direct and efficient than that which is afforded by the imposition of high impost duties? I will answer this question in the language of a man to whom the manufacturers have always looked, as to an oracle—I mean Alexander Hamilton. Speaking of "pecuniary bounties," he says: "This has been found one of the most efficacious means of encouraging manufactures; it is in some views the best."

"It is a species of encouragement more positive and direct than any other, and, for that very reason, has a more immediate tendency to stimulate and uphold new enterprises."

"It avoids the inconvenience of a temporary augmentation of price, which is incident to some other modes, or it produces it in a less degree, either by making no addition to the charges on the rival foreign article, as in the case of protecting duties, or by making a smaller addition."

"As often as a duty upon a foreign article makes an addition to its price, it causes an extra expense to the community, for the benefit of the domestic manufacturer. A bounty does no more."

These quotations are perfectly conclusive as to the superior efficacy of pecuniary bounties over protecting duties, as a means of encouraging domestic manufactures. I will add an additional advantage, which the advocates of the bill before us will not surely regard as unimportant. The protection given by these bounties cannot be evaded by smuggling or by false invoices. This, of itself, would seem to be perfectly decisive in favor of the bounty system. Under that system, sir, there would be no occasion for creating custom-house inquisitions and arbitrary appraisements. How, then, has it come to pass, that, while the manufacturers have been, for more than ten years past, clamoring at our doors for protection, the Legislature of no single State in the Union, so far as I am informed, has ever appropriated a cent, or raised a finger, to sustain

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these languishing and suffering interests; which certainly have a claim upon the States for protection, if indeed they have any claim at all? Sir, I have frequently put this question in former discussions upon this floor, and have never found a man bold enough to answer it. The advocates of the protecting system have invariably passed it over with a prudent and profound silence. The reason is obvious. No man dare to avow openly the true cause why the manufacturing States, having the undoubted power, will not extend any protection to their own manufacturers, but send them to Congress for relief.

The moral sense of this nation would not tolerate the avowal, that the State of Massachusetts, for example, will not tax her own citizens to afford protection to her own manufactures, because the Federal Government can be made the unrighteous instrument of taxing the people of the southern States for the purpose of affording that protection.

This, sir, disguise it as gentlemen may, is the true question involved in the protecting system. The tariff States would permit every establishment within their limits to sink into utter ruin, before they would levy taxes from their own citizens to nourish and sustain them. That would be too plain and palpable a proceeding. It would instantly open the eyes of the people to the true character of the protecting system. It would tear off from the monster the veil which conceals its horrible deformity, and break its infatuating charm forever. If the protection afforded to the manufacturers by this Government were entirely withdrawn to-morrow, I do not believe there is a State Legislature in the Union, that would dare to substitute an equivalent protection in the form of pecuniary bounties drawn from the people of the State, and appropriated from the public treasury. Nothing that could be possibly suggested, in the way of argument, would exhibit the palpable injustice of this system in so strong a light as the course pursued, in this respect, by the Legislatures of the tariff States. Would any man believe, sir, that the Legislature of a sovereign State would memorialize Congress to protect the manufactures of that State, by imposing restrictions and duties upon the commerce of other States, when that Legislature, having the admitted power to protect those manufactures, utterly neglects to do it? Yet such was the conduct of the Legislature of Massachusetts; and such is, substantially, the course pursued by the Legislatures of all the tariff States.

I have, thus far, considered this system as involving an unconstitutional perversion of the power to regulate foreign commerce, with a view to bestow indirect bounties upon the manufactures of certain States, by imposing taxes and restrictions upon the commerce of certain other States. I will now invite the attention of the committee to some considerations calculated to show that it involves a violation of the great and fundamental principles of civil and political liberty. There is not one of those principles of more vital importance, or more absolutely consecrated by all the historical associations of both Great Britain and the United States, than that which secures the people against all taxes and burdens not imposed by their own representatives. This principle, indeed, is essentially involved in the very notion of self-government. Now, sir, owing to the federative character of our Government, the great geographical extent of our territory, and the diversity of the pursuits of our citizens in different parts of the Union, it has so happened that two great interests have sprung up, standing directly opposed to each other. One of them consists of those manufactures which the northern and middle States are capable of producing, but which, owing to the high price of labor and high profits of capital in those States, cannot hold competition with foreign manufactures, without the aid of bounties, directly or indirectly given, either by the General Government or by the State Governments. The other of these interests consists of the great agricul-

tural staples of the southern States, which can find a market only in foreign countries, and which can be advantageously sold only in exchange for the foreign manufactures which come in competition with those of the northern and middle States. It follows, as a necessary consequence, that it is the interest of the manufacturers in the northern and middle States to prohibit, by heavy taxation, the importation of those foreign manufactures, which it is as undoubtedly the interest of the southern planters to import as free from taxation as possible.

These interests, then, stand diametrically and irreconcilably opposed to each other. The interest, the pecuniary interest of the northern manufacturer is directly promoted by every increase of the taxes imposed upon southern commerce; and it is unnecessary to add, that the interest of the southern planters is promoted by every diminution of the taxes imposed upon the productions of their industry. If, under these circumstances, the manufacturers were clothed with the power of imposing taxes, at their pleasure, upon the foreign imports of the planter, no doubt would exist upon the mind of any man, that it would have all the characteristics of an absolute and unqualified despotism. It will be my purpose, then, to show, that, by the aid of various associated interests, the manufacturing capitalists have obtained a complete and permanent control over the legislation of Congress on this subject. A great number of causes have contributed to give the manufacturing interest this ascendancy. The prominent and leading cause is, beyond all doubt, the natural influence of accumulated capital in the hands of a comparatively small number of men, acting with the sagacity, perseverance, and concert, for which they are invariably distinguished, in matters affecting their own pecuniary interests. It is a melancholy fact, to which all history bears the most unequivocal testimony, that whenever society becomes so far advanced in commerce and the arts, as to have produced a considerable accumulation of capital, the holders of that capital are perfectly irresistible on all those questions in relation to which the action of the Government is brought to bear upon the great pecuniary interests of society. Every one knows that there was a time, not very remote, when the great and leading feature in the policy of this Government was to favor and foster, by every species of exemption and bounty, the navigating and commercial interests of the nation. I need hardly add, that, at the period to which I allude, almost the whole of the accumulated capital of the country was embarked in the business of navigation and commerce.

But as soon as this capital was transferred to the business of manufactures, the whole policy of the Government, and the political principles of an entire region of country, on the subject of free trade and commercial restrictions, underwent a corresponding change. One would almost imagine, who had been long enough in Congress to have witnessed this extraordinary political transmutation, that the New England members of Congress were sent here as the representatives of capital, and not of numbers, so implicitly have they followed its direction.

Sir, no man of the slightest observation can be insensible of the influence of large capitalists upon the members of this House, on all questions affecting their peculiar interests. It is not to be disguised, that two or three wealthy iron-masters in a congressional district will exercise more influence over the representative here, than all the rest of his constituents united, upon the question of increasing or diminishing the tax upon foreign iron. The same is equally true as to the sugar planters, salt makers, and manufacturers of cotton and woollen fabrics. It is not a difficult matter to account for this influence of capital, employed in manufactures. I do most confidently believe that two or three large establishments, carried on by white laborers who were entitled to vote at elections, would be an overmatch for all the other interests in any congressional dis-

trict in the Union. I have seen enough, even in my own district, to convince me that even that forms no exception to the general rule I have laid down.

What number of farmers, scattered over the country and unaccustomed to combination, could resist the influence of three large manufacturing capitalists, each having three hundred free laborers in his employment entitled to vote? Upon any question affecting the interest of the manufacturers, three thousand farmers would hold no competition with them. In the first place, there would be a perfect unity of action among the capitalists themselves, on the question, for example, vital to their own interests—of inducing Congress to give them a bounty, or impose a prohibitory duty having the same effect. In the second place, all the laborers in their employment would, upon the most obvious principles of human action, give their votes in such a way as to gratify the wishes, and promote the interest, of their employers. This would indeed be their own interest. In the third place, a considerable number of farmers and other persons, in the vicinity of these manufacturing establishments, would find a market for a great number of agricultural productions, which would otherwise be of scarcely any value to them. All these causes would produce a perfect unity of action amongst this large number of voters, directly and indirectly connected with the manufacturing establishments, and all their efforts in political contests would be directed to a single object—the protection of the manufacture in which they were engaged or interested. Whatever division might take place among other interests of the district, you would never find the manufacturers divided. Every candidate for popular favor would be made to understand that the consolidated vote of this manufacturing interest would be given against him, unless he would promise to support their applications for the bounty and protection of Congress. In this manner it would come to pass, that the contest between the manufacturers and the farmers would be like that between regular soldiers and untrained militia men, in which superior discipline would overbalance superior numbers. Men confederated together upon selfish and interested principles, whether in pursuit of the offices or the bounties of Government, are ever more active and vigilant than the great majority, who act from disinterested and patriotic impulses. Have we not witnessed it on this floor, sir? Who ever knew the tariff men to divide on any question affecting their confederated interests? If you propose to reduce any one of the duties, no matter how obvious the expediency of the reduction, they will tell you, if not in plain words, at least by their conduct, that the duty you propose to reduce is very oppressive and unjust, as in the case of salt; or very absurd and suicidal, as in the case of raw wool; but that, if you reduce either of these duties, a proposition will be made to reduce some other, and then some other, until the whole system of confederated interests will be shaken to its centre. The watchword is, stick together, right or wrong, upon every question affecting the common cause. Such, sir, is the concert and vigilance, and such the combinations by which the manufacturing party, acting upon the interests of some, and the prejudices of others, have obtained a decided and permanent control over public opinion in all the tariff States. All the representatives of those States, however decidedly opposed in principle to the prohibitory policy, are constrained to regard the interest of the manufacturers as that of their constituents at large. No man, sir, from a manufacturing district, would dare to vote against any measure, however unjust and oppressive, if it be only deemed beneficial to the manufacturers, and denominated a tariff.

In addition to the reasons I have stated, for regarding the manufacturing as the controlling interests in the tariff States, I will add another, which every reflecting man will duly appreciate. The manufacturers, in their applications to the General Government, naturally enlist the sym-

thies and prepossessions of the States and sections of the Union to which they belong. The question of granting relief, for example, to eight or ten manufacturing establishments in Massachusetts, would be evidently regarded as a State question, though not ten thousand people should be directly or indirectly interested in it; and the member of Congress who should oppose it, would be deemed to have deserted the interest of his own State. There is another consideration still more decisive. The relief sought by the manufacturers is to be obtained by imposing burdens and restrictions upon the commerce of other States, and remote sections of the Union. All classes, therefore, in a manufacturing State, will naturally take sides with the manufacturers, in regard to all those measures which propose to advance the interests of those manufacturers, by taxing the commerce of the southern planters. Viewing it as a sectional question, there can be no doubt that the aggregate interest of the State would be promoted by such a measure, however inconsiderable the number of manufacturers. It is, indeed, the interest of Massachusetts to protect any of her manufacturers, however small the number, and however heavy the imposition necessary to effect it, if the benefit, however small, accrues to her citizens, and the burden, however great, falls upon the citizens of other States.

The unanimity with which the members of this House vote, even for private claims coming from their own States—when scarcely anybody else can perceive any justice in them—is a commentary upon what I have been saying, which every gentleman will know how to estimate.

On all questions to be decided by Congress, therefore, affecting the interests of the manufacturers, or any of those associated interests which the persons concerned are pleased to denominate domestic industry, I am constrained to regard the policy of the tariff States as fixed and unalterable; as much so, as if the representatives of those States were chosen exclusively by the manufacturers themselves, and sent here as their special agents, acting under instructions.

What, then, becomes of the great principle of liberty, to which I have adverted—which secures the people against any burdens of taxation not imposed by their own representatives? Is it not absolutely annulled—nay, is it not completely reversed, as to the people of the southern States, in all cases involving the interest of the manufacturers, and the policy of the protecting system? Is not the majority of Congress composed of the representatives of those who have a direct and positive pecuniary interest in imposing taxes upon the people of the southern States, in the form of high and prohibitory duties upon their lawful commerce—the product of their honest industry? Does not that majority declare it to be its interest, and avow it to be its object, to pursue this system of prohibitory duties until the whole of that commerce which gives value to the agricultural productions of the southern States, and without which our fields would be left desolate, shall be utterly and absolutely abolished? It is not many days since I heard an honorable gentleman from New York express the opinion, that, in less than ten years, probably in half the time, the whole of those foreign manufactures which fall within the purview of the prohibitory policy, and which are the only articles the southern planters can receive, to any tolerable extent, or with any sort of advantage, in exchange for their staples, would cease to be imported, leaving not a vestige of that important branch of our foreign commerce. There is too much reason to believe, sir, that this opinion is well founded. When the tariff of 1828 shall have reached its maximum, and the rigorous enforcement of the duties shall be secured by the bill on your tables, I have no doubt you will have provided a system which will accomplish the work of entire prohibition in the time limited by the member from New York, to whom I have alluded.

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It is in vain, then, that the people of the South attempt to palter with this question, or to disguise any longer the sad reality of their condition. They have no security against taxation, but the will of those who have a settled interest and fixed determination to increase their burdens; they have no rights of property, no title to that commerce which gives the principal value to the productions of their industry, which they do not hold by the same miserable and degrading tenure. They are, to all intents and purposes, the slaves of northern monopolists. If I were called upon to give a definition of slavery, I could not use language more appropriate than that which should accurately describe the condition of the people of the southern States.

There is no form of despotism that has ever existed upon the face of the earth, more monstrous and horrible than that of a representative Government acting beyond the sphere of its responsibility. Liberty is an empty sound, and representation worse than a vain delusion, unless the action of the Government be so regulated that responsibility and power shall be co-extensive. Now, I would be glad to know, under what responsibility the majority of this House act, in imposing burdens upon the industry of the southern people, and in waging this merciless warfare against their commerce. Are they, in the slightest degree, responsible to those upon whom they impose these heavy burdens? Have they any feelings of common interest or common sympathy to restrain them from oppression and tyranny? Does the system of prohibitory duties, which falls with such a destructive power upon the dearest interests of the southern people, impose any burden, or inflict any injury at all, upon the constituents of that majority by which it has been adopted?

The very reverse of all this is the truth. The majority which imposes these oppressive taxes upon the people of the South, so far from being responsible to them, or to those who have any common interest or common sympathy with them, in relation to the matter, are responsible to the very men who have been, for the last ten years, making the welkin ring with their clamors for the imposition of these very burdens. Yes, sir, those who lay the iron hand of unconstitutional and lawless taxation upon the people of the southern States, are not the representatives of those who pay the taxes, or have any participation in it, but the representatives of those who receive the bounty, and put it in their pockets.

Can there be a more gross, monstrous, and insulting mockery, than to tell my oppressed and outraged constituents that their rights are secured by the principle of representative responsibility? It would be just as rational to talk about the responsibility of a Roman emperor to the Prætorian bands by whom he was elevated to the throne, as a security against plundering the subject provinces for the purpose of paying the stipulated donatives by which he had purchased the empire.

The very principle of representative responsibility, when the Government is thrown from its balance, becomes itself a principle of the most despotic tyranny. It would be far better for the southern people, so far as this tariff policy is concerned, (and, as God is my judge, I would prefer it,) that the majority of Congress should be responsible to no earthly power, than that they should be responsible to the very persons who have the deepest interest of all the people on earth in the taxation and oppression of the southern people. Sir, these things cannot, must not, be. It is utterly impossible that such a state of things can be permitted to continue in a land where liberty, constitutional liberty, is endeared by so many glorious associations.

I am aware that the answer given to all this will be, that it is the right of the majority to govern, and the duty of the minority to submit. There is no political principle more undeniably true, in all the cases to which it properly applies. But it is subject to two very important limita-

tions in our federative system of Government, growing out of the constitutional compact, and founded upon the principles of natural justice: In the first place, the majority cannot rightfully do any thing not authorized by the constitutional charter. The great object of a written constitution is to restrain the majority. It is founded upon the idea that an unchecked majority is as dangerous as an unchecked minority. I believe, when cut loose from the moorings of an effective and real responsibility, it is more so. But of that hereafter.

In the second place, the right of the majority to govern, in a political system composed of confederated sovereignties, and extending over geographical subdivisions having diversified and conflicting interests, must be limited to those cases where there is a common interest pervading the whole confederacy. This is a limitation growing out of the very nature and object of the compact, even upon the exercise of powers expressly granted. The submission of interests which are essentially adverse to the control of a common Government, necessarily involves the destruction of one or the other of them. This is the foundation of the checks and balances, even of consolidated Governments, and of the partition of power among distinct sovereignties in this confederacy.

It is contrary to the clearest principles of natural justice, that the majority, merely because they have the power, should violate the rights and destroy the separate and peculiar interests of the minority. This would make power and right synonymous terms. The majority have no natural right, in any case, to govern the minority. It is a mere conventional right, growing out of necessity and convenience. On the contrary, the right of the minority to the enjoyment of life, liberty, and property, without any unjust interference on the part of the majority, is the most sacred of the natural rights of man.

When the great antagonist interests of society become arrayed against each other, particularly when they are separated by distance, and distinguished by a difference of climate, character, and civil institutions, the great object of the Government should undoubtedly be, not to become the partisan of either of those interests, but to interpose its power for the purpose of preventing the stronger from destroying the weaker. Instead, however, of assuming this attitude, instead of restraining the major interest from doing this act of injustice and oppression, this Government degrades itself into the character of a partisan of the stronger interest, and an instrument of its oppression. It cannot be otherwise, sir, as long as the majority in Congress, being nothing more than the agent of the major interest in the confederacy, assumes the power of arbitrarily and unjustly appropriating to its own use the rightful and exclusive property of the minority. The majority can have no such rightful power. It is neither more nor less, stripped of the disguise thrown around it by the empty forms of legislative proceeding, than downright swindling and robbery; crimes which, in any civilized country in the world, would subject the individual perpetrator to infamous punishment. What human power can confer upon one set of men; however numerous, the right to commit such an outrage upon another set, however few in number? Will any advocate of the tariff policy admit that ten men have any greater right to rob him of his property, than he has to rob the ten of theirs? Yet this would be a legitimate consequence of admitting that a majority of Congress have an unlimited and uncontrollable right to dispose of the property of the minority.

If the commerce which this prohibitory system proposes to destroy were the common property of the whole Union; if the great agricultural staples, which are the basis of that commerce, were equally the productions of all the States of the confederacy, the principle of representative responsibility would furnish to the southern planter all the security against oppression which human

wisdom can provide: There would be a real and effective responsibility pervading the whole system. A citizen of South Carolina would confidently confide his interests to a representative from Massachusetts, not because that representative was responsible to him, but because he was responsible to persons having the very same interest. It is this community of interest that can alone ensure the effective responsibility of a representative Government. Where this does not exist, the principle of responsibility ceases to afford any security against oppression, and the power of the common Government should cease with it.

Whenever the Federal Government, therefore, assumes to act upon the local or peculiar interest of particular States or sections of the Union, it as clearly transcends the appropriate sphere of its constitutional and responsible power, as a State Government would do, in attempting to control those common interests that have been committed to the protection of the Federal Government. In the one case, it would be despotism; in the other, anarchy. God forbid that we should ever be driven to the dreadful alternative of choosing between them, even for a time.

I have said that there cannot be imagined a more odious and intolerable form of despotism, than that of a majority, stimulated by motives of self-interest, and acting without any restraining power upon the interests of the minority. A just analysis and exposition of the true character and principles of that combination, or, more properly, conspiracy of interests, which constitutes the tariff majority in the United States, will exhibit this idea in a more striking point of view than any thing I have yet advanced on the subject. I venture the assertion, that no priesthood, in the darkest ages of ignorance and superstition, ever pursued their selfish objects with more untiring perseverance and consummate art, than the manufacturing capitalists have prosecuted their mercenary schemes of monopoly. Commencing with a few followers—like other impostors of whom we read—they have successively enlisted under their banner a sufficient number of confederate interests to render themselves formidable; and, finally, by addressing themselves to the ambition of some, and the prejudices of others, they have disseminated the delusion of their false doctrines through all ranks of society in the tariff States. Aspiring politicians, finding it conducive to their political advancement, have not scrupled to form an alliance, cemented by avarice and ambition, and not less ominous to public liberty than that which has existed in other times, and in other countries, between church and State. By the artful use of cant phrases and cabalistic terms, addressed to the national pride and local prejudices of the people—such as the “American System” and the “British System,” “Old England” and “New England,” the “Free States” and the “Slave States”—they have succeeded in working up the public mind in the manufacturing States to a state of infatuation almost incredible, and, in my opinion, utterly incurable. What, then, are we to expect from a majority, thus bound together by the two strongest of human passions—avarice and ambition; and acting under the imposing disguise of disinterested patriotism? It has been said, sir, by a wise man, that one hundred philosophers, thrown together, and acting under the impulse of a common interest, and the contagion of a common passion, would be converted into a mob. There can be no doubt of the correctness of the principle; and it is even more powerfully exemplified in its application to large masses and communities of men, united by common interests, common passions, and common prejudices, and directing their efforts to a common object. It is but too apparent that entire sections of the Union, bound together in a confederacy of interest and ambition, urged on by the master spirit of manufacturing monopoly and political management, and sustained by the blind and demoralizing delusion that it is the dictate of true patriotism to oppress and plunder the minority, because they prosecute trade with a foreign coun-

try—it must be apparent, I say, that whole sections of the Union, distinguished from the minority by the peculiarity of their civil institutions, and arrayed against that minority by this united motive of interest, and ambition, and prejudice, will prosecute their schemes of injustice and oppression with all that want of moral responsibility which distinguishes the proceedings of an infuriated mob. Yes, sir, the mighty mass, blinded by a delusion which converts plunder into patriotism, will perpetrate, under the prostituted forms of legislation, acts of oppression and injustice, which no individual composing it would think of perpetrating, when acting on his separate responsibility. Such, then, is a faithful portrait of that majority, which we are told have a natural right to regulate and confiscate the interests of the minority. What despotism can be pointed out, either among the dark realities of history, or the wilder fictions of poetry, more fearful to contemplate? What refuge, what hope, what security have the minority, when this devouring monster walks abroad, clothed with the mantle and armed with the sceptre of power, and stimulated by the insatiable spirit of monopoly? Shall I be told that the minority must throw themselves upon the humanity, justice, and moderation of this majority? What, sir! are we to expect justice, humanity, and moderation from the spirit and genius of monopoly itself? You had as well think of striking fire from an icicle! You had as well attempt to satiate the appetite of a cannibal by the cries of infant tenderness!

I solemnly declare that I would prefer the Government of a single despot to that of such a majority as I have described, acting upon the rights and interests of the minority, without any restraint but that imposed by its own will. The subjects of an imperial despot are not without some security against the extremes of oppression. The greatest tyrant that ever reigned—even the Emperor Tiberius, was still a man, having the soul, and the feelings, and the sympathies of a man, and could not, therefore, behold, without some “compunctious visitings,” the sufferings of his subjects, and the desolation and plunder of his provinces. But such a majority as I have described has no more soul than a corporation, and, in the very nature of things, is utterly incapable of human sympathy.

There is another restraint upon the power of a single tyrant, which does not operate upon this tyrant majority, appropriately denominated in another place “king numbers.” The physical force of society is on the side of the oppressed, in the case of a single despot. An act of tyranny will vibrate through the hearts of all his subjects, from one extremity of his dominions to the other. Every man will feel that the blow which strikes down his fellow-subject to-day, may fall upon him to-morrow. A sense of common danger and common suffering will induce the most degraded population in the world to impose such limits upon the practical exercise of despotic power, as will prevent the extremes of oppression. It is a historical fact, sir, that there does not exist on the face of the earth a despotism that is not restrained by some principle, moral, religious, or political, which operates as a practical check upon power, and a security against oppression. But what human principle, what earthly power, is there to restrain the majority? To what tribunal can the oppressed minority carry their appeal, and urge their plea against oppression and injustice? Can they appeal to public opinion, that high tribunal by which the despotism even of Napoleon, with all his military power, was controlled? That public opinion is the very spirit and soul—the animating principles of the tyranny that oppresses them. Then, sir, there is no refuge for the minority, if the sacred and protecting power of the constitution cannot be interposed—“Their final hope is flat despair.”

There is another particular in which the despotism of a single tyrant is preferable to that of a legislative majority, such as I have described. His appetite for taxation and

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plunder is infinitely less voracious. There is a limit to the exactions of an absolute monarch, which he has no motive to exceed. When his subjects have supplied his exchequer with a sufficient treasure to gratify his imperial vanity, by covering him with the decorations appropriate to his rank—when they have provided the means of keeping up his civil and military establishments, and of maintaining the pomp and pageantry of power; ambition itself can supply no motive for any further exaction. But where is the people whose resources are sufficient to satisfy the voracious cravings of a majority, acting upon the principles of the manufacturers and their confederates in this unholy crusade against the commerce of the southern States? The wealth of the Indies might be exhausted, and yet the appetite for plunder would be as far from being satiated as ever.

It cannot be doubted that, when a majority of the common legislative council, in a federative system of Government, assumes the power, and makes it the avowed and final object of its exercise to injure or destroy the local, peculiar, and exclusive interests of a part of the States composing the confederacy, the principle of confederation itself is converted into the heaviest political curse that can afflict any people. Its very end is utterly perverted. The only legitimate purpose of a confederation of States is the preservation of every member of the league, both from foreign injustice and violence, and from the injustice and violence of the other members. But it cannot be disguised that, in the case under consideration, the power of the confederacy is prostituted to the perpetration of the very injustice and violence it was specially, if not exclusively, intended to prevent, and to the destruction of the very rights and interests it was intended to secure; and that, too, in the most injurious, because the most insidious, of all forms—the substitution of legislative power for physical force. In this way, the States composing the majority are as distinctly arrayed against those composing the minority, in a war of legislation, as they possibly could be in a war of arms, if they were unconnected sovereignties. If the States were not united by this confederacy, a greater outrage could not be conceived, as well against the principles of natural justice, as against the law of nations, than an attempt of two-thirds of those States to prohibit and destroy the lawful commerce of the other third. The universal sense of all civilized nations would cry out against the enormity. Yet this is precisely, and to the very letter, the outrage which the tariff States are now perpetrating against the southern States, through the instrumentality of a Government formed for the very purpose of preventing it. The Federal Legislature, under these circumstances, entirely loses its conservative character, ceases to be the common council of the confederacy, and becomes a mere substitute for armies and navies, to carry on the work of plunder and desolation by which the tariff States propose to counteract the bountiful dispensations of Providence in favor of the southern States. The hall of Congress is nothing more nor less than a field of battle, in which the conflicting powers are arrayed against each other in a species of warfare, in which neither valor, nor skill, nor reason, nor justice, are of any avail to the combatants, but of which the issue is ultimately decided by the mere brute force of numbers. This palpable prostitution and perversion of the federal power of the Union not only fails to secure every member of that Union from the injustice and violence of the other members, but places in the hands of a majority of States an instrument more powerful and more dangerous than cannon, for the destruction of the interests of the minority.

Without fleets or armies, and, what is of infinite importance to tender consciences—without hazarding the loss of a single drop of human blood, a prosperous commerce is swept from the face of the ocean by the mere mathematical power of numbers. All that is required, is that the Clerk at your table should count over the votes, and the

Speaker pronounce “the yeas have it,” and the work of desolation is done. This, too, is all accomplished peaceably. Yes, sir, war is prevented between the members of the confederacy, but that is substituted which is infinitely worse for the minority. If the majority, in waging a war of piracy and plunder, were exposed to the perils of their vocation, there would be some security in that, even to the minority. “The battle is not always to the strong.” Valor and skill might supply the place of numbers in the open field, and a just cause would give a threefold energy to every freeman, in resisting the lawless invader of his rights. But when it is reduced to a mere matter of counting, what valor, what skill, what power of argument or eloquence can make a minority of votes in a just cause of equal power with a majority in an unjust one?

I beg leave now to suggest, for the consideration of the committee, some historical analogies which are calculated to exhibit, in a strong, practical point of view, the tyranny and injustice of this proscriptive system of legislation which the majority of Congress have carried on for the last ten years against the lawful commerce of the southern States. What, then, is the sum and substance of that system? It is precisely this, sir: that the southern States shall be prohibited from carrying on commerce in certain articles with the nations of the world, and shall be restricted to an intercourse with the tariff States of this Union. This reduces the southern States to a state of colonial vassalage to the tariff States, decidedly worse than that of our ancestors to Great Britain. What was the amount of the colonial vassalage of our ancestors? It was nothing more than that they should be “prohibited from carrying on commerce, in certain articles, with the nations of the world, and should be restricted to an intercourse with Great Britain.”

The southern States, then, are reduced to the very same relation to the tariff States, in point of principle, as that in which all the colonies formerly stood to Great Britain. They have changed their masters, to be sure; and I will now proceed to inquire what they have gained by the change.

I confidently assert that the restrictions imposed by the tariff States upon the commerce of the planting States, are one hundred times more injurious and oppressive than all the colonial restrictions and taxes which Great Britain ever imposed, or attempted to impose, upon the commerce of our forefathers. Yes, sir, a revolution which severed a mighty empire into fragments, and which history has already recorded as the first in the annals of human liberty, originated in restrictions and impositions, not a whit more tyrannical in principle, and, as I will proceed to demonstrate, not a hundredth part so oppressive in point of fact, as the restrictions and impositions now unconstitutionally imposed upon the southern States.

The prohibition which excluded our ancestors from the commerce of all other countries but Great Britain, was almost purely nominal. Without that prohibition, the trade of the colonies would have been confined almost exclusively to the mother country. She furnished them with the best market in the world for all the productions of their industry. She supplied the articles they wanted cheaper than they could be obtained from any other nation, and gave them a better price for their productions. But the very opposite of this is true as to the restrictions of which we now complain. Instead of coinciding with the natural course of trade, they come directly in contact with it. The southern States are excluded from their natural markets—the very best in the world, for the purpose of confining them to a market which is, in all respects, the very worst. Europe now consumes five-sixths of our agricultural staples, and the consumption would be indefinitely extended, if the trade was unrestricted; the tariff States could not consume, under any circumstances, more than one-fifth of these staples. Great Britain, France, and Holland could

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furnish us with such manufactures as we want, at a price one-third less than that for which they ever can be furnished by the manufacturing States of this Union; and, under these circumstances, we are compelled to purchase from these States, and denied our natural right of purchasing from foreign nations. In one word, we are excluded from the very best markets in the world, and confined to that in which we can get least for what we have to sell, and are compelled to give most for what we desire to purchase.

The duties and restrictions imposed upon the commerce of the southern States for the exclusive benefit of the tariff States, amount to a larger sum of taxation and oppression in a single year, than all the restrictions and taxes imposed upon all the colonies by the British Parliament, from the date of the stamp act to the breaking out of the revolutionary war.

The southern States are to all intents and purposes recolonized, as much so as if the British Parliament had the supreme legislative power of regulating their commerce.

I am aware that it has been attempted to impair the force of this analogy, by adverting to the fact that the southern States are fairly represented in Congress. But when the power of this Common Council is directed against the interest of the minority, so isolated and distinguished by geographical and civil peculiarities and commercial interests, as that laws, apparently and nominally general, may be, in effect, local and exclusive in their impositions, it is obvious that a representation of the minority, on all questions affecting its distinct and local interests, is substantially no representation at all. When the proposition before Congress is the imposition of a common and equal burden upon the whole country, or the appropriation of the common funds to defend the rights of a single State, or even of a single individual, I should consider the southern States really represented, however much they might differ with the majority. But when the proposition is to impose an exclusive burden on those States, or appropriate their peculiar funds for the benefit even of all the other States, I should regard them as having no representation at all, though they were entitled to ninety-nine votes in a council of two hundred. On such a question, any thing less than a majority, or, at least, an equality, of votes, is precisely equal to no vote at all. It is not a question of deliberation, concerning common interests, but a question of naked, numerical power, concerning interests that are entirely adverse.

Nothing, therefore, can be more unfair and ridiculous, than to maintain that the unjust and unconstitutional impositions of the tariff system are, in any respect, less tyrannical in their operation upon the southern States, merely because those States are represented in Congress. What would have been the nature of a colonial representation in the British Parliament in 1776? The wisest of our patriotic ancestors rejected the idea as a miserable mockery. What is the value of an Irish representation in the British Parliament, on all questions affecting the local interests of Ireland, and in which the interests or prejudices of England stand opposed to them? Let the oppression and ruin of Ireland answer the question. What would be the value of West India representation in Parliament, on the question of negro emancipation? And what is the value of a southern representation in Congress, when the question to be determined is, whether ten millions of southern commerce shall be subjected to the legislative rapacity of the majority? They serve no other purpose than to be nominal parties to the immolation of their constituents, and thus furnish to their oppressors a pretext and disguise for the outrage.

The course of these remarks forcibly suggests another historical analogy, calculated, if that be possible, to exhibit, in a still stronger point of view, the state of political degradation to which the southern States are reduced by the prohibitory system. The recent war with Great Britain

will be memorable in the history of the country, as the second war of independence. The evident tendency of the British pretensions to recolonize the United States, caused every enlightened patriot to see and to feel that such was the true character of the contest. Now, what were the pretensions of Great Britain? In the very strongest point of view, they amounted to no more than the assumption of a right, on the part of Great Britain, not to prohibit, but to shackle and encumber, during war, the commerce of the United States with the adverse belligerents. Suppose she had set up the broad pretension—similar to that now enforced by the tariff States—that we should trade exclusively with her, and should not trade with France, either in peace or in war. There is not a patriot in the Union who would not have seen his country one vast catacomb of slaughtered freemen, before he would have tarnished the memory of his ancestors, by submitting to terms so ignominious and degrading. Every plain would have been a Marathon, and every strait a Thermopylæ; and Great Britain would never have succeeded in establishing her arrogant pretensions, until none but slaves survived to acknowledge and submit to it. And yet the southern States, who so gloriously sustained a war waged against this pretension, are now actually reduced to a state of degradation and dependence, beyond all question worse than that which would have resulted from its establishment. If we had been actually conquered by the British arms—if we had been compelled to prostrate the insignia of our sovereignty at the feet of the conqueror, and the terms of our submission had been dictated at the head of victorious legions, nothing worse could have been imposed upon the whole confederacy, by the right of conquest, than the oppression and vassalage to which the southern States are now subjected by the legislation of Congress.

If all the commercial nations in the world were to unite in a conspiracy to cripple and restrict our commerce, by hostile regulations, so far as their own interests would be promoted by it; if all the restraints interposed by the law of nations to protect that commerce were annulled, and the nations of Europe had the unlimited power to make what regulations they pleased in regard to it, nothing worse could possibly be done, than what our own legislation has done already. It is true, sir, if there be any consolation in that, that the injury is not inflicted by a foreign power, but by those who call themselves our brethren and fellow-citizens. But I am far from perceiving any thing in this circumstance to mitigate the injury. I solemnly declare, I would rather it were inflicted by a foreign power. A dagger plunged by the hand of a brother carries a severer pang to the heart of the injured party, from the very consideration that the blow was inflicted by one who was under the most sacred obligations to arrest it, if aimed by another.

I must now invite the attention of the committee for a few moments to a brief exposition of the actual condition of suffering to which the southern States have been reduced by this system. I will draw no picture of the imagination, but present a few decisive facts that will speak a language too unequivocal to admit of but one interpretation. For the last twelve years, the condition of the country has been growing worse and worse, in a steady progression. During this time, the price of cotton has fallen from thirty to ten cents a pound, and every thing else in a corresponding degree. This state of things is peculiarly distressing. Almost any condition is tolerable which is permanent. We become reconciled to it by habit, and make all our calculations and pecuniary arrangements to accord with it. But when tariff is passed after tariff, extending further and further the oppressive influence of the system, constant pecuniary embarrassment is the almost unavoidable result. No prudence can avoid it. An unexpected decline in the price of produce

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baffles the calculations even of the most cautious; and, in this downward tendency of things, the planter almost invariably finds, each successive year, his means of meeting his pecuniary engagements less than he reasonably calculated when he made them.

The profits of the cotton planter, with all the natural advantages with which Providence has favored him, are now actually less than those of any other description of capitalists in the Union. I speak of what I personally know, when I assert that the labor of a slave in the field does not yield the owner more than twelve and a half cents per day, on an average. Now, sir, I leave it to any gentleman from the middle or eastern States, to say whether the price of common field labor is not three or four times as high. Taking the average of the various kinds of labor in those States, I feel authorized to say, it may be set down at fifty cents a day. I am aware of the prevalence of an idea that slave labor is not as efficient as free labor; but, as regards agricultural pursuits, it is entirely erroneous. No white man from New England, or any where else, can do more field labor than a South Carolina slave. Taking the average of the year, the southern planter has greatly more labor performed by each hand, than the northern farmer. With us, there is no season of rest from one end of the day, or from one end of the year, to the other. The winter season, which is a period of festivity and rest with the northern farmers, is, with our planters, a period of active and laborious preparation for the ensuing spring. If, notwithstanding, he cultivates the most valuable staple in the world, and works thus incessantly through the whole year, the labor of the southern planter is not one-fourth part as productive as the average of northern labor, does it not furnish a striking commentary upon the ruinous and exhausting effects of your oppressive system of taxation? If the soil and climate of Pennsylvania or New York were as well adapted to the culture of cotton as those of South Carolina or Georgia, I am well satisfied, a Pennsylvania or New York farmer could not afford to cultivate cotton for less than twenty cents a pound, with all the industry and economy he could use. Let any man acquainted with the business of cotton planting make an estimate of the price for which he could afford to raise cotton, using hired labor at fifty cents a day, and he will find the statement I have made amply confirmed by the result.

I know there was a time, sir, when it was believed that the southern planters were realizing so rich a harvest of prosperity, and such enormous profits, that it was thought nothing more than justice to cut down their incomes, by this new species of agrarian legislation, to a level with those derived from other modes of employing capital. But, even if you had any semblance of right to exercise this arbitrary power of curtailing incomes and equalizing profits, you have carried it entirely beyond the point at which your own principles would require you to stop. If you have a right to reduce the labor of the planter to a level with your own, have you any right to carry the reduction so far, that you shall receive three or four times as great a reward for your labor as the planter does for his? No agricultural community, that carried on the labors of the field by free labor, could have endured, or would have submitted to this system of oppressive exaction, until the price of labor had reached so low a point of depression as it has in the southern States. There is no example existing, of so great a fall in the price of any agricultural production, as that which has taken place in the southern staples. From century to century, the price of corn, for example, maintains almost a uniform price, because the cost of its production—the actual labor required to produce it, cannot, as in the case of manufactures, be materially diminished by machinery. Thirty years ago, the price of cotton was nearly three times as

high as it is at present, although the same quantity of manual labor is necessary to produce it now as at the former period. A corresponding reduction in the price of labor is the necessary consequence. On the contrary, the price of grain is very nearly as high in the grain growing States, taking an average of several years, as it was thirty years ago. No reduction, therefore, has taken place in the price of the labor employed in producing it. In fact, the average price of labor in the northern States, including all pursuits, has evidently advanced during the period under consideration. It cannot be otherwise, under a system of taxation and oppression which annually draws from the southern planters one-third of their incomes, to be distributed, in bounties and disbursements, among the people of the other states of the Union. It is the natural result of that system, and God only knows at what point of depression, short of absolute ruin, it will stop, if this Government shall persevere in the course it has hitherto pursued.

A great and solemn crisis is evidently approaching, and I admonish gentlemen that it is the part of wisdom, as well as of justice, to pause in this course of legislative tyranny and oppression, before they have driven a high-minded, loyal, and patriotic people to something bordering on despair and desperation. Sir, if the ancestors of those who are now enduring, too patiently enduring, the oppressive burdens unjustly imposed upon them, could return from their graves, and witness the change which the Federal Government, in one quarter of a century, has produced in the entire aspect of the country, they would hardly recognize it as the scene of their former activity and usefulness. Where all was cheerful, and prosperous, and flourishing, and happy, they would behold nothing but decay, and gloom, and desolation, without a spot of verdure to break the dismal continuity, or even

"A rose of the wilderness left on the stalk,
To tell where the garden had been."

Looking upon this sad reverse in the condition of their descendants, they would naturally inquire what moral or political pestilence had passed over the land, to blast and wither the fair inheritance they had left them? And, sir, when they should be told that a despotic power of taxation, infinitely more unjust and oppressive than that from which the country had been redeemed by their toils and sacrifices, was now assumed and exercised over us by our own brethren, they would indignantly exclaim, like the ghost of murdered Hamlet, when urging his afflicted son to avenge the tarnished honor of his house—

"If you have nature in you, bear it not."

Sir, I feel that I am called upon to say a word or two on the subject of the deep excitement which now exists in South Carolina, and to vindicate the motives and the character of the people of that State from imputations which have been unjustly cast upon them. There is no State in this Union distinguished by a more lofty and disinterested patriotism, than that which I have the honor in part to represent. I can proudly and confidently appeal to history for proof of this assertion. No State has made greater sacrifices to vindicate the common rights of the Union, and preserve its integrity. No State is more willing to make those sacrifices now, whether of blood or treasure. But, sir, it does not belong to this lofty spirit of patriotism, to submit to unjust and unconstitutional oppression, nor is South Carolina to be taunted with the charge of treason and rebellion, because she has the intelligence to understand her rights, and the spirit to maintain them. God has not planted in the breast of man a higher and a holier principle than that by which he is prompted to resist oppression. Absolute submission and passive obedience to every extreme of tyranny, are the characteristics of slaves only.

The oppression of the people of South Carolina has been carried to an extremity, which the most slavish popu-

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lation on earth would not endure without a struggle. Is it to be expected, then, that freemen will patiently bow down and kiss the rod of the oppressor? Freemen, did I say! Why, sir, any one who has the form and bears the name of man—nay, “a beast that wants discourse of reason,” a dog, a sheep, a reptile—the vilest reptile that crawls upon the earth, without the gift of reason to comprehend the injustice of its injuries, would bite, or bruise, or sting the hand by which they were inflicted.

Is it, then, for a sovereign State to fold her arm, and stand still in submissive apathy, when the loud clamors of the people whom Providence has committed to her charge, are ascending to heaven for justice? Hug not this delusion to your breast, I pray you.

It is not for me to say, in this place, what course South Carolina may deem it her duty to pursue in this great emergency. It is enough to say that she perfectly understands the ground which she occupies; and be assured, sir, that whatever attitude she may assume, in her highest sovereign capacity, she will firmly and fearlessly maintain it, be the consequences what they may. The responsibility will not rest upon her, but upon her oppressors.

And here, sir, I beg leave to offer a few remarks on the subject of the celebrated resolutions of Virginia and Kentucky, about which much has been recently said in Congress and out of it. It is not my object to give any opinion upon those resolutions, but to show what they really are, and the principles they distinctly avow.

I have before me a preamble to certain resolutions, recently adopted by the Legislature of Kentucky, in which it is stated that, “at a former epoch, when certain acts were passed by Congress, called the alien and sedition laws, which were believed to be unconstitutional by the General Assembly, it neither interposed nor threatened the adoption of any measures to defeat or obstruct their operation within the jurisdiction of Kentucky.” Will it be pretended that the Legislature of Kentucky did not avow the right to adopt such measures? Listen, sir, to the language of the resolution she adopted in 1799—a resolution drawn up by the hand of Thomas Jefferson: “That the several States who formed that instrument, (the federal constitution) being sovereign and independent, have the unquestionable right to judge of its infraction, and that a nullification by those sovereignties of all unauthorized acts, done under color of that instrument, is the rightful remedy.” I will make no comment on this language. It is too plain to be perverted. I will barely add, that the celebrated resolutions of Virginia maintain the same doctrine, in language equally explicit, and that Pennsylvania adopted similar resolutions at a subsequent period.

But, sir, in a case of extreme injustice and oppression, I will not stop to moot points of constitutional construction. I place the right and the obligation of a sovereign State to interpose the shield of its sovereignty between its citizens and oppression, upon much higher grounds.

There is one objection to this system of Government protection, and Government bounties, which I intended to have presented more fully than I feel warranted in doing under existing circumstances. I allude to its strong and inevitable tendency to corrupt one portion of the people, while it oppresses and enslaves the other. No state of things can be conceived more unfavorable to liberty, than that in which large multitudes of people, embracing entire classes of the community, are taught to look habitually to the Government for pecuniary aid and support. It is not in the nature of things that such a population can have the feelings of independent freemen. They look up to the Government with an idolatrous feeling, as if the sun of heaven could not shine, or its showers fall upon the earth, without the special interposition of that Government. I have said, on a former occasion, that the days of Roman liberty were numbered, when the people consented to receive bread from the public granaries. The result

was, that the demagogues of the time secured the favor of the people more effectually by a liberal dispensation of the grain drawn from the subject provinces, than by the highest talents, the most exalted patriotism, and the most signal services. Now, sir, what is the difference in principle between the distribution of grain and the distribution of disguised bounties, amounting to millions, many millions of dollars annually? The latter I consider incomparably the worst, because of the very disguise which is thrown around the proceeding. But the evil does not stop with the degradation and corruption of the people. The system tends also to corrupt the Government. The enormous sum annually taken from the pockets of the southern people, is, to all intents and purposes, a fund of corruption, by which the Presidency itself may, at no distant period, be bought and sold.

Do not the people of the tariff States distinctly hold out the idea that they will not support any man for the Presidency who is opposed to the protecting system? Has it not been openly avowed on this floor as the paramount claim, the indispensable qualification of a candidate for the Presidency? And is not this an open avowal that the Presidency of the United States is to be conferred, not upon the man of the greatest talents, the purest patriotism, or the most important public services, but upon the man who will consent and stipulate to bestow millions of money, unconstitutionally and unrighteously exacted from the people of the South, as a largesse to the northern manufacturers and their associates? Sir, disguise it as you may, by calling it a question of principle and general policy, it is a mere traffic between avarice and ambition, in which it is stipulated that money, first to be obtained by extortion and plunder, shall be given in exchange for political power. It is nothing different, in principle, from the sale of the Roman empire by the Prætorian cohorts, for imperial donatives. If General Washington could rise from the grave, and were presented as a candidate for the Presidency, with an avowal of his opposition to the tariff, any man who would pledge himself to support that system, though covered with “all the multiplying villanies of nature,” would carry the election against him. Under these circumstances, I put it to gentlemen to answer me the question, what is the motive which induces the people of the tariff States to support for the Presidency a man who will pledge himself to support the tariff? The answer, sir, in plain English, is money, money, nothing but money. If this be principle, it is political bargaining reduced to principle. Such, however, is the unavoidable result of the system. The moment that Government assumes the prerogative of interfering with the great pecuniary interests of society, with a view to change the distribution of property, its action becomes essentially corrupt and corrupting.

I have now gone through the various topics I intended to discuss, and I will say, in conclusion, that in all I have uttered, there has not been mingled one feeling of personal unkindness to any human being, either in this House or out of it. I have used strong language, to be sure, but it has been uttered “more in sorrow than in anger.” I have felt it to be a solemn duty which I owed to my constituents and to this nation, to expose the unjust and oppressive operation of the tariff system, and to make one more solemn appeal to the justice of their oppressors.

Let me, then, beseech the advocates of that system, in the name of our common ancestors, whose blood was mingled together as a common offering at the shrine of our common liberty—let me beseech them, by all the endearing recollections of our common history, and by every consideration that gives value to the liberty and union of these States, to retrace their steps as speedily as possible, and relieve a high-minded and patriotic people from an unconstitutional and oppressive burden, which they cannot longer bear.

[The committee then rose.]

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Judge Peck.—Navigation and Impost Law.

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JUDGE PECK.

Mr. BUCHANAN, from the committee appointed for the purpose, reported an article, to be exhibited to the Senate of the United States in behalf of themselves and of all the people of the United States, against Judge Peck, a judge of the district court of the United States for the district of Missouri, in maintenance and support of their impeachment against him. It was laid on the table and directed to be printed.

[See Senate proceedings, Tuesday, May 4.]

FRIDAY, APRIL 30, 1830.

NAVIGATION AND IMPOST LAW.

Mr. CAMBRELENG, from the Committee on Commerce, reported a bill respecting the navigation laws and duties on imports, which having had its first and second reading by its title, Mr. C. moved to commit it to a Committee of the Whole House, and print it.

Mr. MALLARY called for the reading of the bill; and it having been read, he said it would be impossible to act on such a measure at this session, if it ought to be acted on at all; therefore, he moved to lay the bill on the table. At the request, however, of Mr. CAMBRELENG, he withdrew the motion, to give an opportunity for explanation.

Mr. CAMBRELENG said that the majority of the Committee on Commerce, under whose directions he had reported this bill, were perfectly aware that the sentiments of the majority of the House were in opposition to it at this time. The committee had directed him to say that it was not their intention to ask for its consideration during the present session—perhaps not at the next. The provisions of the bill are novel and important, and require mature deliberation. All that the committee now desire is, that the measure should go forth to the nation—that it may be generally understood, and that the great agricultural interest of the country should determine for themselves whether they will exchange the produce of their farms for the merchandise of other countries, on terms of just reciprocity. There is no novelty in the principle of the bill—it merely proposes to carry out the rule of reciprocity which this Government has acted upon ever since the war. We have been for sixteen years proposing to all nations to abolish all restrictions on navigation—we have been proclaiming, by our acts, our willingness to meet them on fair and honorable ground—and that we were ready, whenever they were, mutually to exchange our productions on reciprocal terms. This, I know, is not the doctrine of some gentlemen of this House, but it is the voice of two-thirds of the American people. They are willing to exchange the vast amount of their own products for those of all other nations who are willing to receive them on terms of fair reciprocity.

Sir, we cannot be insensible to the contest now going on in England—a contest between the democracy and aristocracy of that country, similar to that which we now see in this country. [Here Mr. DONNING rose.] Sir, I believe I am entitled to the floor, and understand whether I am out of order or not. The whole question is open. I was noticing the contest now going on in England, where the democracy who were crying for cheap bread, were oppressed as the democracy of this country is by the aristocracy. Sir, what have I seen in this House? How were the tariffs of 1824 and 1828 passed? Have we not all seen duties voted by majorities of four and five votes? Were they not carried by the votes of those who were interested, directly or indirectly, in the stock of cotton and woollen companies—of members whose patriotism lies in the pocket?—who imagined that their bankruptcy or prosperity depended on the vote they might give? Nay, sir, have I not seen the very chair you now occupy filled by a distinguished gentleman, and did I not see him, in 1824, give, on more than one occasion, his casting vote on questions

which he had deeply at heart? And did not the ultimate fate of the tariff of 1824 depend on the casting votes of the Speaker given on some of the items of the bill? Yes, sir, I say there is in this country an aristocracy of manufacturing capitalists, who would, if they could, grind the democracy of this nation to ashes, as the nobility of Great Britain would the poor laborer who cries for bread. Sir, the committee entertain no delusive hope that this bill will affect the policy of Great Britain—at least, for some years to come. No! her policy in relation to grain is fixed and settled. It is regulated and controlled, as ours has hitherto been here, by those who are deeply interested in perpetuating monopoly. The great land proprietors of the House of Lords—the hereditary nobility—control the policy of Great Britain by their votes. It is not to be expected that a majority of that description will consent, at least for the present, to receive our grain in exchange for British productions. Neither is it probable that France will, for some time to come, reciprocate commerce with the United States on the equal terms proposed by the bill. But there are other nations with whom a beginning may be made. Portugal is one. We had once a valuable trade with that country—it has been entirely sacrificed by the unwise restrictions of both countries. There are in our commerce with that nation no conflicting interests—I have no doubt that a treaty stipulating commercial reciprocity might be formed with that nation to-morrow, by which we should very soon enjoy a large and valuable trade with that country in the mutual exchange of our productions. There are countries also in the North of Europe, with whom reciprocal arrangements might be made. But, sir, I have gone further into this question than I had intended to do now.

The committee merely propose the measure for the consideration of the House and of the nation—the laboring, the mechanic, and agricultural interests of the country; they have no expectation of changing the opinions of our masters, whose pecuniary interests are involved. We ask nothing, sir, from the majority of this House, but what we have a right to ask. The minority has its rights as well as the majority. They have a right to expect parliamentary courtesy from the majority—an opportunity to be heard, to have their measures fully and fairly debated—an open and honorable contest. This new course of arresting measures at their second reading, of stopping inquiry and stifling debate, is not only extraordinary, but alarming. That, sir, is the object of the gentleman from Vermont. The House has already treated one important measure—the bill proposed by the gentleman from South Carolina, [Mr. McDUFFIE] in that way. [Here the Chair called the gentleman to order for reflecting on the conduct of the House.] Mr. C. replied, that it was not his design to reflect upon the House for the course of its proceedings, but to show the alarming consequences that might result from such a course, when a minority, a powerful minority, too, were denied an opportunity, even to an important measure discussed, when the rights of the minority were openly trampled upon. Whenever such should become the practice of a majority of the House, he should consider it one of the most alarming symptoms of approaching dissolution. We do not, I repeat it, desire to go into this debate during this session. Let the measure go forth to the nation—let us debate it at the next session, and then let gentlemen do as they please with it.

Mr. MALLARY observed, that the gentleman from New York [Mr. CAMBRELENG] seemed to be greatly alarmed at the course he was taking. But, sir, what is the real character of the bill he has proposed? It is a measure that is intended to give the power to the President to control the great interests of this country. Let this remain with the representatives of the people. Let Congress keep this power to itself. Hold it fast. No such power should

be put in the hands of any one man living. The gentleman tells us that the whole manufacturing interest is in the hands of an aristocracy, who oppress and grind to dust the democracy of the nation. This shows clearly and plainly that he knows nothing about either the aristocracy or democracy of the country. I say that the great agricultural interest north of Mason and Dixon's line, and a solid proportion south of it, are in favor of the protecting policy—the tariff. If the gentleman wants to find friends and advocates to that policy, let him go into every hamlet and house in Ohio, Pennsylvania, New York, New England, and he will find a vast majority in its favor. Talk of the aristocracy of the country! It is the real democracy of the United States, who are the friends and advocates of the protecting system. Not British agents—Liverpool merchants. Talk of aristocracy! The farmers, the agriculturists, are the men who support the tariff. They are the men. Why? They well know that the manufacturer gives a market for their productions, which no foreign nation allows. They consider the manufacturers as their agents, at home, in their own country. The farming interest knows this. If our farmers did not know that their interests, their salvation, did not almost depend on the manufacturing system, they would be willing to give it up. Sir, the gentleman openly avows that his object in bringing this bill forward is not for discussion or action this session, and perhaps not the next. What, then, in the name of heaven, is his intended object? Sir, I think I know. Indeed, for some time, I have been aware that it has been in contemplation. The object manifestly is, to have the measure hang over our protecting policy *in terrorem*, like a portentous cloud. It is for the purpose of scattering doubts, and fears, and apprehensions among our manufacturing interests, and to invite foreign nations to press down upon us with all their power, and overwhelm our system of national independence. The gentleman seems to want that foreign nations should believe that this Government is trembling and shivering in its course—wishes to see them interfering in the domestic regulations of this country. Sir, I cannot, will not, consent to see such a measure, brought forward under such auspices, held up to terrify and alarm our own country, and give hopes and expectations to another. The gentleman says he does not expect that the bill will make the smallest impression on England. Good nation! What! Make no impression on England? I supposed the gentleman considered England a perfect model for our imitation; that free trade was her motto, and that she really meant what she had published to the world! that she was ready to throw her doors wide open to the commerce of all nations. What! England opposed to free trade? Monstrous! And even the gentleman from New York admits it! Surprising! He tells us that the measure is intended to help the laboring classes of England—the democrats of England. This is a new idea. The democrats of England! He says they are crying for bread, and she wants to feed them. His feelings are all engaged for the democrats of England. Sir, I am for sustaining the democrats of the United States. So people will differ. On whom do these democrats of England depend? Why, I suppose of course, on the democratic manufacturers of that country. All democrats, then! Our manufacturers, in this country, are represented as aristocrats, nabobs, monopolists—in England, it seems, they are all democrats. Sir, these English democrats have but little affection for their brother democrats this side of the water. They are hostile to our prosperity. They tremble at the sight of a rising manufactory in the United States. They, like the gentleman from New York, would like to see the domestic industry of this country palsied, prostrated. The gentleman says the bill will have no operation on France. Why, sir, we all well know that. France minds her own business. She has adopted the protecting policy;

and all the arts and efforts of England cannot divert her from her own independent course. France, sir, minds her own concerns. She is not eternally dabbling in the affairs of other nations. She understands her own true interests, and pursues them without troubling her neighbors. But up the Baltic we can have free trade. Pennsylvania can send corn to Dantzic! That is flattering! What a noble thought! But we can have the trade of Portugal. That the gentleman seems to suppose would be every thing to us. It would be a grand affair! So, for these fancied benefits we are to invest the President with the most extraordinary powers. The great interests of this country to be regulated by the caprice or policy of any nation in the world, and the President compelled to execute it. The market of Portugal! what does the gentleman really mean? If there is any hidden object, let the gentleman lift up the veil—let him draw back the curtain—tell us, at once, his object. I would not trust the power he proposes, to any man. If the measure should pass, I have the fullest confidence that the present Chief Magistrate would exercise his power and discretion as fairly and soundly as any man living. The interests of his country would never be sacrificed for the benefit of any other. This is a subject that belongs to Congress; to the representatives of the people. Here let it be retained. Never give it up. I hope the day will never arrive, when we will place such power in the hands of any Executive.

But [said Mr. M.] the gentleman declares that the bill proposes reciprocity—only reciprocity. Let England put her duties at thirty per cent. and we will do the same. The scheme looks well. How will it work? The disparity will be as great as now exists. Thirty per cent. on the flour of Ohio, Pennsylvania. Now see, sir. Thirty per cent.—reciprocal on the face. What will be the expense of sending a barrel of flour from Louisville, in Kentucky, by New Orleans, to Liverpool? Why, sir, it would cost more to send a barrel of flour, worth five dollars in the New York market, to Liverpool, than it would cost to bring one thousand—five thousand dollars' worth of foreign manufactures into this country. Equalize duties in this way, and a vast proportion of the agricultural interests of this country is ruined at a single blow. How much does it cost England to send her broadcloths and gimlets to New York? How much to send our heavy productions to England? Every man of common sense well knows. The difference may be five hundred per cent. against us. Thirty per cent. on lace—thirty per cent. on flour! Reciprocity with a vengeance! The farming interest of the United States will not be deluded by such a show of reciprocity.

The gentleman tells us about a tremendous explosion, if the friends of the tariff policy persist. This means, in plain English, rebellion. Are we to be driven from our path of duty—from the true interests of the country—by threats of a tremendous explosion? Is a minority on the floor of this House to tell a majority, you shall submit to our will, or the most dreadful consequences will follow? For one, I say, plump and plain, I will not be driven from my course by such language. What will be the condition of this country, when a minority overawes a majority by threats and menaces? We have recently heard of the tyranny of a majority—a strange kind of tyranny, to be sure. But we are called on to submit to the tyranny of a minority. When a minority can, on any question, by threat and menace, overawe the majority, this country must be reduced to the most extraordinary condition. It is worse than no Government at all. We come here as the representatives of the people of all parts of the Union, for the purpose of mingling our common counsels, and deciding on the course best calculated to promote the great interests of the nation—our common country. The sound discretion of every member ought to be exercised. We must finally decide. As the representatives of the people of this Union, we are called upon to act. How are we to decide

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on any great question, whether it relates to the established policy of the country, or to any new measure presented for deliberation and action? Is a majority to shrink back, give way, surrender, when a minority demands a right to rule? Submit to the tyranny of a minority!—a strange despot under a Government, when its fundamental rule is that a majority should govern. What would such a Government be worth? A minority rule! This is the essence of aristocracy. In plain truth, sir, if Representatives cannot come here, and exercise their own independent opinions, without being awed and menaced into submission by those who may happen to differ, the Government is not worth preserving. Its republican character is gone—it is not worth a fig. I always respect the minority. I am in it often. We are all, often, in a minority. When we are, shall we cry out tyranny, oppression, abuse the Government, curse it, and let it go? If so, we can tear it in pieces in an hour, any day. If such is the wish of any portion of this country, they may be indulged for all me. What is a Government, a republican Government worth, where a majority is ruled by a minority? I should like to be informed. If this is not aristocracy, I do not understand the term. The most perfect tyranny is when the fewest rule—I may be mistaken. I thought I had some republican principles—I may have been mistaken. Whatever may be my errors of opinion, I feel anxious to sustain the interests of my own country—I want to see Liverpool the other side of the Atlantic. Mr. M. concluded by again moving to lay the bill on the table.

Mr. WAYNE, of Georgia, a member of the Committee on Commerce, said the gentleman ought to give an opportunity for reply to his misapprehensions.

Mr. MALLARY said, he had done no more than reply to the gentleman from New York, but he again withdrew his motion to lay the bill on the table.

Mr. BATES, of Massachusetts, hoped the gentleman from Georgia, when he had finished the remarks which he desired to make on the subject, would allow the friends of the protecting system an opportunity of discussing the subject, and defending their views.

Mr. WAYNE. That is what the friends of the bill desire. Let it take its ordinary course, and it can then be fully discussed. He hoped, therefore, the opposition to it in this stage would be withdrawn, and the bill be committed. He yielded the floor to

Mr. GORHAM, of Massachusetts, who was decidedly opposed to the bill, but he wished it not to be laid on the table, as that would preclude discussion; and he thought an opportunity should be afforded for exposing the impolicy of the measure.

Mr. WAYNE then rose to proceed with his remarks on the bill; but

The SPEAKER interrupted him, by stating that the Clerk had informed him that the bill had received its second reading by its title, which fact the Chair had overlooked; and the question being now simply on the commitment, it precluded a discussion of the merits of the bill.

Mr. WAYNE bowed to the decision of the Chair; and, after some under-conversation between other members,

Mr. GORHAM, for the purpose of opening the bill to discussion, moved its indefinite postponement.

Mr. CAMBRELENG regretted that he had not, on this occasion, the powerful aid of the gentleman from Massachusetts. He remembered, nine years ago, when that gentleman was a captain among the advocates of free trade. The House was electrified by that gentleman for near three hours; and without intending any disparagement to a distinguished gentleman who now occupies another body, he must say, that he heard on that day what he thought then, and still thought, the most able, eloquent, and convincing argument he ever listened to, in favor of the broad principles of free trade. He hoped that the gentleman from Massachusetts would vary his motion so as to postpone the question till the first Monday in January next, when he

was not without hope that the gentleman from Massachusetts might change his opinions, again become an advocate of free trade—at all events, give the friends of this measure a fair opportunity to defend its merits.

Mr. WAYNE again rose, but said he had no desire to go into the merits of the bill at this time, if it should take such a direction as would bring it up regularly for discussion hereafter.

Mr. GORHAM said, the gentleman from New York must think him very sincere, if, after the extravagant but altogether unmerited compliments of the gentleman, he still persisted in his opposition to this bill, as a measure of the most extraordinary character ever proposed in this House. Sir, [said Mr. G.] this bill contains provisions which in their operation will derange our whole revenue system, and change all our commercial relations at home and abroad, introducing at the same time an endless series of frauds and perjuries. It transfers, too, to the President almost the whole control over the commerce and revenue of the country. If practicable, which I doubt, it will introduce a principle into commercial policy, mischievous in the highest degree. This discussion [said Mr. G.] had arisen so suddenly, and the hour was so nearly expired when the debate must terminate for to-day, that he should be able hardly more than to mention a few of the most striking objections to the principles and provisions of the bill. But, [said Mr. G.] before I do this, I think it proper to say a word or two touching the proceedings of the Committee on Commerce upon this bill. At our last meeting upon public matters, three or four weeks ago, and not more than fifteen or twenty minutes before we were to separate to take our seats in the House, the honorable chairman of our committee [Mr. CAMBRELENG] handed me the draught of this bill, (though I think with a different title,) asking if I agreed that such a bill should be reported. After looking through it, I replied, that it was a sort of consolidated repeal of the tariff laws, that it was introducing principles altogether new into our revenue system, and our commercial relations at home and abroad, &c. &c.; and it would be in vain to report such a bill to the House, which had rejected much less objectionable propositions. The rest of the committee having looked into the bill, the chairman called for our opinions, and, by a vote of four to three, the committee being full, it was ordered to be reported to the House. I had reason to be surprised that a measure which was to work a complete revolution in our commerce and revenue, should be thus hastily adopted. But, sir, I will hasten to state a few of the many objections to this extraordinary scheme. In the first place, it reduces at once all duties to thirty per cent. ad valorem, and to the extent of that reduction is a repeal of the tariff laws, not, indeed, as it may suit the interest and convenience of our own Government, or our own citizens, but when the will or interest of any foreign nation may require it. The mere reduction of duties I do not regard as the worst aspects of this part of the bill. Sir, it is, that foreign nations are to judge for us, and not we for ourselves; that all specific duties are, with regard to some nations, to be charged in ad valorem duties and reduced, while, with regard to others, they are to remain specific, and at their old rate; and that the duties on articles of the same kind, from different countries, are not only of different rates, but differently estimated. And then, too, what numberless frauds will be practised in fixing this thirty per cent. ad valorem, by appraisements without end, not only in our own ports, but in those of the nations which may come into this strange and novel scheme of reciprocity?

Time does not permit me now to say any thing upon the extraordinary principle of transferring to the Executive Department, as this bill would substantially do, almost the whole control over our foreign and domestic commercial relations. Nor can I now enumerate half the mischiefs of a different character, which would result from the adop-

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tion of this most pernicious project. A single instance will serve to illustrate its effects in a hundred other cases; and I will ask the attention of the House to only one branch of commerce—the sugar trade. The sugar of Louisiana is now protected by a duty of three cents per pound upon the imported article, which is more than a duty of fifty per cent. ad valorem. The prosperity of that State depends, in a great measure, upon sugar planting. Now, we bring sugar from Cuba and other of the West India islands, from South America, particularly from Brazil, and from the East Indies, places wholly independent of each other.* Should this bill pass into a law, some one of these countries, Brazil, probably, (and I believe Brazil alone,) would accept our offer of reciprocating duties; and what would be the consequence? The sugar of Brazil, which costs but four or five cents per pound, would come here charged only with a duty of thirty per cent. ad valorem, equal to a duty varying from a cent to a cent and a half, less than half the present duty. There can be no doubt, then, that in a very short time the importer of that article would drive the Louisiana planter from his own market. The ruinous effects to that State are obvious; her prosperity is destroyed at a blow. Nor is this all: Brazil will probably agree to this scheme, but Cuba and Porto Rico, being dependencies of Spain, could not. The places in the East Indies from which we bring sugar, from the peculiarity of their political condition, could not, or would not, adopt it. And thus the high duty of three cents on sugar from those places is virtually a prohibition of trading with them; and our trade at present with Cuba, as every one knows, and particularly in sugar, is one of the most flourishing and important branches of our commerce. Frauds, too, of a different character from those I have mentioned, would be resorted to. England and France would not, indeed, cannot, reciprocate this rule. But they would be very desirous that we should adopt it with other nations; because they could, through those nations, derive every advantage from it, without yielding us any equivalent in return. There is little doubt that Hamburg, Bremen, and all the Hanseatic towns, Sweden and Denmark, and, perhaps, Holland—some, if not all of these, would agree with us. The course of things would then be, that British and French goods would be shipped to those places; and either there, or at home, so marked and packed, that they might be imported into the United States as Dutch, Swedish, or Danish goods, at the reduced duty. And thus France and England, holding firmly to their restrictive system towards us, would enjoy, through other nations, all the advantages of a total relaxation of our system towards them.

But, sir, [said Mr. G.] I must close. Many other evils might be pointed out, and will be readily perceived by any one at all acquainted with commerce; and, indeed, there must be many more than perhaps the most experienced merchant can foresee. The measure, if adopted, is a radical change in our revenue system, and all our commercial relations, and cannot but be followed by the most pernicious consequences. The bill is strangely entitled a "bill to amend the navigation laws of the United States," yet makes no reference to any one of those laws, and contains not one word about either ships, vessels, or navigation. It should be entitled "a bill to encourage frauds and perjuries, disturb the revenue, and embarrass and restrict the commerce of the United States." Mr. G. concluded by saying that he had been surprised into this debate, and he threw out these few remarks, the suggestions of the moment, to show the impolicy and ruinous tendency of the measure.

Mr. WAYNE said he had two things to complain of, one of them in common with the gentleman from Massachusetts. First, he had been surprised into the debate, and then he had been surprised out of it. He would now proceed to submit a few considerations on the bill.

[Here the hour expired, and the debate was arrested for the day.]

On motion of Mr. BUCHANAN,

Ordered, That the article of impeachment against James H. Peck, judge of the district court of the United States for the district of Missouri, be committed to the Committee of the Whole House on the state of the Union.

LAND CLAIMS IN FLORIDA.

The House proceeded to the consideration of the bill entitled "An act for the final settlement of land claims in Florida;" and the question recurred on the passage of the said bill; when

A motion was made by Mr. WICKLIFFE, that the said bill be recommitted to the Committee on the Public Lands, with instructions to amend the same, so as to exclude from the provisions of the bill all such claims as have been confirmed by the register and receiver, upon the evidence of the confirmation of the governors of Florida, after the 24th of January, 1818; and, after a long debate, in which Messrs. WHITE and WILDE zealously opposed the motion, and Mr. WICKLIFFE supported it, the motion was negatived by a large majority; and then the bill was passed, and sent to the Senate for concurrence.

[The following are the remarks of Mr. WHITE:]

Mr. WHITE, of Florida, said, he was too sensible of the value of the time of the House, at this late period of the session, to ask its attention longer than was absolutely necessary to reply to some of the most prominent objections that had, in the various stages of its progress, been offered against the passage of the bill now under consideration. I did hope [said Mr. W.] that, after the discussion in Committee of the Whole, and the decisive indication given of the sense of the House at that time, this bill would not have been embarrassed by a motion to recommit, which, if successful, puts an end to all prospect of its becoming a law at this session of Congress.

If I can be able to command the attention of the House for a short time, I trust I shall satisfy them that this bill proposes no new principle in legislation; and that the apprehension of any bad consequences resulting from the first section, in its present shape, is entirely fallacious. The object of Congress in organizing special tribunals for the adjudication of these claims, is to free ourselves from the trouble or necessity of going into an examination of the voluminous documents and evidence exhibited by the claimants, and the various intricate questions of Spanish usage and law that must arise in the decision of these questions. Such a body as this, organized to consult and legislate upon the various and complicated affairs of a great empire, has neither the time nor the means of going into a minute or satisfactory investigation of such questions. It has higher duties to perform; and in consequence of the utter impracticability, as well as impolicy, of an attempt to decide upon every small land claim, derived from a foreign Government, in the territories acquired by treaty, it has been the established practice to organize a board of commissioners, to sit in the country where the grants were made, where the archives are deposited, and where the land lies. These officers hold their commissions, and receive their compensation, from the Government, one of the parties directly interested in the decision of every claim presented. If there is any leaning on either side, it is always on that from which the power is derived. With the most honest intentions, and a constant effort to act without prejudice, there is a constant attraction between all federal officers and the Government and its interests. Federal judges pronounce, with great indifference, State laws to be unconstitutional, and State judges pronounce the acts of Congress to be unconstitutional; when neither, unless in an extraordinary case, pronounced the laws of the Government, from which they hold their commissions, unconstitutional or void. To make an application of this

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principle, I ask any gentleman to read this report, and, instead of striking from this bill one-half of the cases confirmed, I do not hesitate to say that he would be more inclined to say that the number of confirmations ought to be doubled. I do not say that injustice has been done; but I will say, that, if any has been, it is to the claimants. I say that the rigor with which these claims have been examined, will operate more unjustly to them than the United States. I believe that this is the first instance in the history of our legislation since the Louisiana treaty in 1803, in which an attempt has ever been made to reverse the decisions of our commissioners, and strike out half of the claims confirmed by them. Numerous instances can be found at every session of Congress, for twenty years, in which the rigor of the commissioners has been mitigated by the clemency of Congress, in giving to every equitable claim the most liberal and favorable interpretation.

If this motion succeeds, we shall reverse the order of things, and introduce a new system, as impolitic and unwise in the Government, as it will be oppressive upon a people transferred to us, with a guaranty, on our part, to do what Spain would have done. I have had occasion to look into the history of all that has been done by this Government on this subject, and I do not hesitate to declare that the principle in this bill has been sanctioned at every successive session of Congress for twenty years. What is the object of this motion? To recommit the bill, with instructions to strike from it every claim which the Governor of East Florida had confirmed subsequently to the 24th of January, 1818, the time limited in the treaty, prior to which all grants should have emanated, to be recognised and confirmed by this Government.

By the eighth article of our treaty with Spain, the United States agreed to confirm and ratify all grants ("*todas las concesiones*") and concessions made by the Spanish authorities prior to the 24th January, 1818, to the same extent that they would have been valid, if the territories had remained under the dominion of His Catholic Majesty. This article contemplated the recognition of complete grants, and the completion of imperfect ones, as Spain would have completed them. The *quo modo* of doing this was left to the justice of this Government, under a full conviction that the United States would be just, if not liberal, to their newly acquired citizens. The act of 1828 conferred the power of doing this upon the register and receiver, who were to act as *ex officio* commissioners to carry this article into effect. These officers sat in the province in which the land lies, having before them the archives of the Spanish Government. They have presented this report, from which it appears that they have confirmed seventy-one small claims, and rejected one hundred and thirty-five. The proposition now is, to recommit this bill, to strike from it thirty cases. Sir, if this motion succeeds, these people will have occasion to regret the day that they were ever transferred to the United States. The act which, according to our ideas, made them free, will, according to their conceptions, make them beggars. I fear some of them will not love liberty so much, as to be entirely contented with your disfranchisement of their property. I say their property, because, if Spain had retained the territories, she would have completed every imperfect title in East Florida, whenever a petition had been presented to the Governor.

It was a part of the policy of France, England, and Spain, to grant lands gratuitously to all the inhabitants who would receive them. The most informal and incomplete of these titles were the most honest, and best entitled to our confirmation, when the policy of that Government is considered. The lowest order of these titles, a "permit of settlement," was declared by the commissioners of West Florida the most honest, as well as the most certain title. To complete it, and obtain a title in the name of the King, called sometimes "title in form," or

"*título de propiedad*," or "royal title," it was only necessary to summon witnesses to appear before the Governor, and prove a settlement upon the land, and a continuance a certain length of time. This proof entitled the occupant to a grant in the name of the King. It was a favor to the crown, and not to the subject, to settle and strengthen their distant provinces and colonies. In the interpretation of this treaty, we should remember their policy, and not ours, which holds up the land at a price so high, that it is difficult for a poor man to purchase even the smallest legal division of the surveys. Looking to this policy, can any man doubt what Spain would have done? I cannot doubt but that she would have confirmed every one of those one hundred and thirty-five cases rejected. If any man was not satisfied with his land, he had only to petition the Governor, and a transfer of the location was granted, as a matter of course.

The motion now made to recommit this bill with instructions, is placed by the honorable mover on two grounds: the one of which is founded upon the idea that there are grants made subsequent to the time at which Spain was interdicted from making them by the treaty. If gentlemen will take the trouble to look into this report, they will find that every claim dated after that period has been rejected. The commissioners have not, in any instance, confirmed a single claim posterior to the 24th of January, 1818. They have, in about thirty cases, considered the royal title given by the Governor subsequent to that day, and before the delivery of the province to the United States, as evidence of the performance of the condition. I beg the attention of the House to the fact, that these confirmations are made upon concessions, the largest part of which eventuated from the legitimate authorities of Spain twenty years before the treaty was ever thought of. A concession is a grant, upon condition of settlement. One of the concessions is given as early as the year 1794.

In 1819, the concessionary or claimant came before the Governor, who was a judicial as well as executive officer, and offered his testimony. The witnesses were examined; the proof recorded, and deposited among the public archives on the protocol called "*diligencias*." The royal title, as it is called, begins with a recitation, "*Por quanto*," &c.; or "whereas." It recites that a concession issued on such a day upon condition, and that certain witnesses were called and sworn, who proved the performance. These archives are before the commissioners. The testimony is recorded, the witnesses known to the commissioners, or, if dead, or removed to Cuba, their characters are known from their neighbors. The commissioners say we receive this evidence of the performance of the condition. It would be a nugatory and useless act to call the witnesses over again, when their testimony is recorded, and recited in the royal title given by the Governor. Instead of looking to every act of a Spanish tribunal as a scheme to defraud the United States, I would rather put this more liberal and charitable construction upon it, and consider the act as an evidence of what Spain would have done if the territories had remained under the dominion of His Catholic Majesty. I do not believe that the Governors of East or West Florida were informed of the provisions of the treaty until it was published here after its final ratification in 1821. Until that period, they were acting under a sense of their responsibility to their royal master, and their acts ought to be received in the same manner as if there had been no limitation in the treaty. So long as the Governor had a right to exercise jurisdiction, he had the unquestionable power to examine witnesses, record testimony, either with a view to its perpetuity, or to be used in foreign courts. This would seem to be a power so naturally inherent in every tribunal, that it hardly needs a reference for its support to that well known and universally acknowledged principle, in all civilized nations, to receive with respect the acts of all tribunals of other na-

tions, and to presume that they acted within the sphere of their jurisdiction and duty. It is nothing more than a principle of comity and courtesy—one which our courts of admiralty are in the practice of acting upon, and which has been repeatedly recognised by the Supreme Court of the United States. The King of Spain, and his officers, have as much right to disregard the acts of our tribunals, as we have those of Spain, on principles of national law; and if these claims are denied on such grounds as are now urged, they will have more reason to question the justice of our decisions, than we have ever yet had to condemn theirs. I am neither the defender nor the apologist of the Spanish authorities. The special court appointed by this Government, having the archives before them, have received this evidence, and confirmed these claims, not on the authority to grant subsequent to the limitation in the treaty, but upon a concession made ten or twenty years before. The performance of the condition only has been proved in due form after the time. The honorable gentleman should recollect that the authorities of Spain, were not interdicted by the treaty from the exercise of any jurisdiction, or the execution of any of their functions, until the delivery of the country to the United States. The provision is, that all grants made posterior to that date shall be void. In this report, all grants of that description are declared void. The class proposed to be stricken out were made prior, but witnesses were sworn, and proved a settlement according to the terms of the concession subsequently. The commissioners of West Florida, in every case of this kind, confirmed the claim. In the abstracts of the confirmations of that board, in the Executive Documents of 1824-5, which I now hold in my hand, it will be seen that where concessions and royal titles were both made, the one prior and the other subsequent to the 24th of January, 1818; we confirmed the title upon the concession. This was done by the commissioners of East Florida, and by the register and receiver in their report of 1828—all of which have been approved and confirmed by acts of Congress. The principle here is precisely the same, and it is for this House to say whether they were bound to summon witnesses to prove that which had been already proved before a Spanish tribunal, the evidence of which was before them. It would have been an act of supererogation, a useless consumption of time.

The next ground of objection is, that we shall establish a dangerous precedent for the courts, which will be injurious to the public interests; and this is seriously urged upon Congress as a reason why this bill should be recommended. Sir, it is the first time I ever knew that a legislative act was to be received as a precedent for the admissibility of evidence in courts of justice. Congress may declare that every man may make affidavit to the genuineness of his own grant. Will that justify a court in allowing a man to be a witness in his own case? The distinction between a legislative body and a judicial tribunal, the one governed by considerations of policy, and the other by fixed laws, seems not to have occurred to the gentleman. Who ever heard of the decisions of our committees on the evidence offered to them being quoted before judges as a precedent for their decisions? What Congress, in its legislative discretion, chooses to do, has never yet been, and never will be, a precedent for the courts. The courts might as well attempt to pass an appropriation act, as to say they will confirm claims because Congress confirmed them. I need not pursue this part of the subject further, because the question can never be made in the courts. All the cases which are or can be presented to them are now printed by order of this House, and now upon my table, to which access can be had by every member. There is not among that number a single case in which a royal title is given after the 24th of January, 1818; and if the courts were to look to legislative acts as precedents for them, the case will never occur in which

such a reference can be made. All the apprehensions from this quarter may be quieted by the examination of the cases referred to the courts for decision. The limitation in the treaty, it is well known, was introduced expressly with a view to exclude the grants to the Duke of Alagon, De Vargas, and Count Punon Rostro, and no other. It was so declared at the time of making the treaty, by those who negotiated it. The idea of excluding any other was indignantly repelled by the Spanish minister, and never insisted on by our Government. The President of the United States (Mr. Monroe) informed Congress, in an executive message, that such was the object of that provision. Although such was the view of those who negotiated the treaty, that clause has been so rigidly enforced, as to exclude from confirmation every claim derived from the Spanish Government when they possessed the sovereignty of the provinces, between the 24th of January, 1818, and July, 1821, when the provinces were delivered. All these claims were intended to be, and ought to be, confirmed; but, by the use of general words, to get rid of the large ones, these, too, have been rejected. Not content with this advantage, thus secured against a population that Spain was about to transfer, and about whose rights the King and his ministers were somewhat indifferent, rendered more so from a conviction that the inhabitants of the ceded territories desired the change, we are now about to strike out one-half of what has found favor under the rigid construction of the commissioners, because a Spanish governor had the witnesses sworn and the testimony recorded. I cannot persuade myself that this House is prepared to sanction a principle so unjust and odious.

The whole amount of land in these thirty small claims does not exceed fourteen thousand acres, which is not worth the expenses of this House during the time of this debate. If these claims are stricken out, what is proposed to be done? Is a new board to be organized, after a delay of nine years in the adjustment of these titles? If a new board is to be created, their expenses will be greater than the value of the land. The public surveys will be stopped, the private property cannot be separated from the public, the population of the territory will be retarded, and the most mischievous consequences result from the delay.

Those who are here from the new States well know the difficulties and embarrassments arising from unsettled titles to the country itself; and those who have never seen it, can form but a very imperfect conception of the misery of pursuing, for ten years, an uncertain title in the tribunals of a country, the language and forms of which the petitioner cannot comprehend. The cry of fraud at this period of the session, the denunciation of all that is of Spanish origin, is enough to overturn the most beneficial measures; but I trust that this House, from the confidence reposed in its own tribunal, from the long delay and injustice already done to these claimants, and from a regard for the territory itself, will not recommit this bill, and produce confusion in the country, and certain ruin among its inhabitants.

SATURDAY, MAY 1.

The House resumed the consideration of the bill to amend the navigation laws of the United States, reported by Mr. CAMBRELENG, from the Committee on Commerce, yesterday.

The question recurred on the motion made by Mr. GORHAM, that the further consideration of the said bill be postponed indefinitely.

Mr. WAYNE, of Georgia, rose, and addressed the House until the expiration of the hour, in support of the policy proposed by the bill. He had not concluded when the hour expired.

JUDGE PECK.

Mr. BUCHANAN moved to postpone the orders of the

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Culture of Silk.—Tennessee Lands.

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day, for the purpose of taking up and acting on the article of impeachment.

Mr. WHITTLESEY said, (this day being set apart by themselves for considering private bills,) he, as the member charged with attending to this class of business, would say, that it was perhaps inexpedient to press the consideration of many more of the numerous private bills yet on the docket, because, if they were passed, and sent to the Senate, and not acted on there, they would be in a worse situation than if they remained as they are, for the House to take them up at the next session. He should not, therefore, oppose the motion for postponement.

The House then went into Committee of the Whole, Mr. STERIGERE in the chair, and took up the article of impeachment reported by the select committee against Judge Peck.

Some verbal amendments being made to the article, on motion of Mr. BUCHANAN,

The committee rose, and reported the article to the House; and by the House it was agreed to without objection.

Mr. BUCHANAN then moved that the House proceed now to the appointment of five managers, to conduct the impeachment on the part of the House of Representatives.

Mr. WILLIAMS inquired how many managers were appointed in the case of Judge Chase.

Mr. BUCHANAN replied that seven managers were appointed on that occasion, but it was thought that five were as many as were necessary for the present case.

Mr. B.'s motion being agreed to,

The House proceeded to the appointment of five managers, by ballot, when the following gentlemen received a majority of votes, and were appointed, viz.

JAMES BUCHANAN, of Pennsylvania.

HENRY R. STORRS, of New York.

GEORGE McDUFFIE, of South Carolina.

AMBROSE SPENCER, of New York.

CHARLES WICKLIFFE, of Kentucky.

The first four were appointed on the first ballot. Four ballots took place before a fifth manager was chosen, in all of which till the last the votes were pretty much divided between Mr. WICKLIFFE and Mr. DODDRIDGE, besides whom a large number of members received more or less votes.

On motion of Mr. BUCHANAN, it was

Resolved, That the article agreed to by this House, to be exhibited, in the name of themselves and of all the people of the United States, against James H. Peck, in maintenance of their impeachment against him for high misdemeanors in office, be carried to the Senate by the managers appointed to conduct said impeachment.

On motion of Mr. BUCHANAN, it was

Resolved, That a message be sent to the Senate, to inform them that this House have appointed managers to conduct the impeachment against James H. Peck, judge of the district court of the United States for the district of Missouri, and have directed the said managers to carry to the Senate the article agreed upon by this House, to be exhibited in maintenance of their impeachment against the said James H. Peck, and that the Clerk of this House do go with said message.

MONDAY, MAY 3, 1830.

CULTURE OF SILK.

Mr. A. SPENCER, from the Committee on Agriculture, reported the following resolution:

Resolved, That ten thousand copies of the Manual on the growth and manufacture of Silk in other countries, transmitted to this House by the Secretary of the Treasury on the fifth day of February, 1828, be printed for the use of this House.

Mr. POLK moved to lay the resolution on the table, but the motion was negatived—nays 80.

Mr. McDUFFIE opposed the resolution, having understood that the work proposed to be reprinted possessed no value. The instructions were too complex for unlettered people, and experience proved that it was of no use to them. Persons in his part of the country, who made many pounds of silk every year, could derive no benefit from this book.

Mr. CAMBRELENG concurred in the opinion that the book was not worth printing. A person engaged in preparing a work on the same subject, and who understood it well, informed him that the manual was worthless. Let the committee take all the works on this subject, and compile one containing the best of each. Several works have been since issued, that are superior to the one in question.

Mr. BATES, of Massachusetts, said, here was experience against experience. It was alleged by gentlemen that practical, intelligent persons, professing to be able to give an account of the subject themselves, had denounced the work in question as worthless. Now, he had in his district some men of some little intelligence, who were engaged in the silk culture, who said the work was a very valuable acquisition. He had received letter on letter for a copy of the work, but not one was to be had. The book was valuable, because it gave an account of the best modes of cultivating silk in countries where it had been cultivated for centuries. As he had no doubt of the value of the work, and as it was not voluminous, he hoped the House would have it disseminated, without regarding the pittance it would cost.

Mr. WAYNE would not undertake to pronounce on the merits of the work, but he knew that many of the people whom he represented were very desirous to obtain it. In the early settlement of Georgia, the object of many was the growth of silk, and it was commenced and tried for some time. Why was it discontinued? From one of two causes: Either by being superseded in value by other pursuits, or being discouraged by the want of information. Many, however, continued the culture, and some have prosecuted it for forty years, who, residing on lands too arid for other cultivation, have gone on in the original pursuit; the culture has not been extended because of the want of suitable information to instruct them in it. He wished, therefore, that the information contained in the work in question should go forth for the benefit of those who needed it. He referred to societies formed or forming in Georgia, for the cultivation of silk, to whom the information would be particularly useful and acceptable.

Mr. SPENCER, of New York, rose to make some remarks, but the expiration of the hour arrested the debate.

TENNESSEE LANDS.

Mr. MALLARY moved to postpone the consideration of the bill relative to the Tennessee lands until Thursday next.

Mr. CROCKETT expressed a hope that the bill would not be postponed. He would rather the bill were taken up and rejected, than that it should be thus sported with, as this would be the third time it had been postponed. He stated a number of facts and urged several reasons against its further postponement.

The motion to postpone was negatived: yeas, 62—nays, 81.

The bill was then taken up. An amendment offered by Mr. BARRINGER was accepted by Mr. CROCKETT; which was concurred in.

The question being then on the engrossment of the bill, Mr. GRENNELL spoke at considerable length in opposition to the bill.

Mr. CROCKETT earnestly defended the bill, and was replied to by Mr. VINTON.

Mr. CHILTON demanded the previous question; which being seconded,

Mr. VINTON moved to lay the bill on the table, and asked for the yeas and nays on the question; which were ordered.

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The question was then taken on laying the bill on the table, and decided in the negative: yeas, 75—nays, 86.

The House then ordered the main question to be now put.

Mr. WILLIAMS asked for the yeas and nays on the engrossment of the bill; which were ordered.

The question was then taken on the engrossment of the bill, and decided in the negative: yeas, 69—nays, 90.

The bill was therefore rejected.

TARIFF REGULATION.

The House then proceeded to consider the bill in alteration of the various acts imposing duties on imports.

Mr. BLAIR, of South Carolina, said, that, as any proceeding here, connected with the tariff, must be highly interesting to his constituents, and as the bill was calculated to render the system still more odious and oppressive, he imagined that no apology would be thought necessary for the few observations he designed to make. As I do not expect [said Mr. B.] to be troublesome to this House, either now or hereafter, by long or frequent speeches, I hope I shall be heard with attention; and, sir, as the restrictive system bears with peculiar severity on the people I have the honor to represent, I presume I may be allowed to speak of the tariff, and its effects generally.

I find, sir, that duties for revenue were laid on at various times, from the commencement of our Government until the year 1812; and although these duties did, in fact, operate as bounties on the home manufacture, we, of the South, neither objected to, nor resisted them, because they were thought necessary to meet the exigencies of Government.

Duties for the avowed protection of manufactures were first laid on in 1816, and have been increased by almost every subsequent Congress, until they have at length, in 1824 and 1828, reached a magnitude well calculated to alarm every true friend to the welfare, peace, and harmony of our republic.

As regards the unconstitutionality of what is called "protecting duties," I shall say but little; it has been so often and so clearly pointed out, not only by the ablest men in this House, but likewise by the remonstrances of South Carolina, and particularly by the one presented by her Senators at the last session of Congress, that I deem it useless to say much on that point.

It is acknowledged, on all sides, that the constitution gives no express authority to Congress to impose a tariff for any other purpose than that of revenue. But the friends of the restrictive system make out, or attempt to make out, the powers by implication, by the most subtle, refined, and far-fetched construction. They pursue a course of sophistical, metaphysical reasoning, until they reason themselves not only out of reason and common sense, but out of the constitution to boot.

Some of the advocates of high protecting duties pretend to derive their authority from that clause of the constitution which speaks of "the common defence and general welfare." The result of their legislation is a miserably bad comment upon their doctrine; their provision for the common defence is likely to terminate, and will eventually terminate, in a great diminution of the public revenue, cripple and deteriorate the resources of our navy; and their fatherly attention to the "general welfare" will end in universal bankruptcy, misery, and distress. This, at least, will be the result as regards one portion of the United States—I mean the South Atlantic portion.

But again, the authority for this iniquitous system, this "rider on the pale horse," (spoken of in the Apocalypse,) that brings all hell after it, is drawn by others from the power to "regulate commerce with foreign nations." Yes, sir, and they have regulated it with a vengeance! They have indeed acted the part of a cold-hearted, unfeeling step-mother towards it; or, like the foolish nurse, have al-

most killed the child with kindness—and this bill, if adopted, would absolutely strangle it to death.

I will only say further, on this point, if the people, the rightful father of commerce, ever wish it to thrive, they must release it from its nurse, and let it shift for itself.

Sir, I think, if a plain and rational construction of the constitution is to prevail—if, in a word, the constitution is not intended as a mere license for the majority to plunder and enslave the minority, your system of "protecting duties" has no foundation on which to repose.

Let us not be told that the Supreme Court, that creature of a creature, must ultimately decide this great question. This would be a mockery, an absolute mockery. It is well known that the judges of that court, according to their own decisions, either cannot, or will not, look into the motives and intentions of Congress. In the language of the bar, they "cannot travel out of the record"—they regard only the title of the act; and the tariff laws of 1824 and 1828 purport to be revenue laws. You refused to call them by their right names. Any hope, therefore, that that tribunal would redress our grievances, would be utterly vain and idle.

Much stress has been laid on the recent opinions of Mr. Madison, by some of the friends of the present tariff. With all due respect for that distinguished man, I must be allowed to say, that, in his late celebrated letter to Mr. Cabell, he has used language, and presented views, very different from those he set forth in various numbers of the *Federalist*. I had provided myself with that book, in order to read from it various extracts, with the view of contrasting his former with his recent opinions. But this would be a painful task, and I decline it. I believe every gentleman who hears me will acknowledge that it would be no difficult matter to quote Mr. Madison against himself, in various instances. And, sir, if high names are to form a criterion for determining our constitutional rights, we could array against the Mr. Madison of the present day, the names of Jefferson, Pinckney, King, and many others equally distinguished with himself. But, sir, I protest against pinning our political faith to the sleeve of any great man. Whenever the people of the respective States give up the right of interpreting the constitution for themselves, they will be no longer worthy of it. They will be fit subjects for an Asiatic despotism. Besides, sir, we find that our great political sages are not altogether infallible or consistent on topics of this kind. Mr. Madison is not alone in his inconsistency. Mr. Monroe, a few years ago, turned a complete political somerset on the Cumberland road. Having a high regard for Mr. Monroe's amiable personal character, and the goodness of his heart, and the circumstance to which I allude being universally understood, I forbear to comment upon it. All this, however, goes to show the folly and the impropriety of allowing our greatest and best men to interpret and determine our constitutional rights by construction. We must judge for ourselves; and we must judge from the letter of that noble instrument, and its irresistible inferences.

These, sir, are some of my views of our great federal charter. I may not have stated them with the most formal accuracy, because I am no lawyer—I cannot arm myself with the technicalities of the courts. I cannot intrench myself behind all the enormous pile of books and preparation of the bar. And, perhaps, I have as little inclination as capacity for the task—all I can do, is to feel like a man, and endeavor to speak like a Carolinian—and feeling thus, sir, I must say that South Carolina, and the southern States generally, have never known or felt the Federal Government but by its burdens, while the North has known it only by its blessings. Where are all your great naval establishments, navy yards, and magazines kept? Nearly all to the North. In what direction do the offices and appointments of the Federal Government go? Mostly to the North. And where is all that vast amount of

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treasure collected in the South expended? And where is the patronage of the Government principally bestowed? All in the North and the West. The South, and especially South Carolina, has "no share in the crop." Sir, she desires none—she only asks you to let her alone. She wants nothing from you; but is willing to give you all that her compact with you fairly entitles you to demand.

No State in the Union ever exhibited greater patriotism, or showed a more absolute devotion to the federal compact, than South Carolina. In the war of independence, she had more than her proportionate share of suffering. She never failed to contribute her full share, both of blood and treasure, to the support of the good cause. And I am proud to say, she was not deficient in head or in hand—in the council or in the field; but in both those departments her high character was ably sustained by her Rutledges, her Pinckneys, her Moultries, her Marions, and her Sumpters.

Well, what was her conduct in the late war? She not only contributed her full share of the means necessary to your defence, but, when it became necessary for you to defend her against the common enemy, as you were bound to do, you acknowledged you were unable to do so. Your resources were exhausted, or employed elsewhere. At your request and promise of remuneration, she used her own purse; she expended her own money, in doing that which, of right, you ought to have done. But, when she came to apply for your boasted remuneration, it was not refused in direct terms, to be sure; but such unknown, complex, and fretful rules of evidence were established in your departments, that few of her claims could be brought within their requisitions; and South Carolina has not, even yet, been reimbursed her money. But, sir, under similar circumstances, she would do the same thing over again.

Nor was she deficient during the late war, either in talent or in nerve. Witness her Croghan and Laval, her Lowndes, her Cheves, and Calhoun—the latter of whom was justly regarded as one of the master spirits of the storm. It has been said in another place, and perhaps it may be said here, that in him was found one of the first and ablest champions of the system, now so much reprobated by his own State. If this be true, it proceeded, no doubt, from an over-generous feeling, common to the South. Although the South, and especially South Carolina, had suffered long and severely through the embargo, the non-intercourse system, and the war that succeeded; and although during all this time the northern manufacturers were reaping a rich harvest, yet at the close of that war our staple article was seen selling at more than three times its present price. The value of our lands and negroes was proportionably enhanced, and wealth teemed in upon us from every quarter. This could not escape the avidity of the manufacturers. Enlisting our warm sympathies in their behalf, they cried, "give, give;" and the too generous South said, "take, take abundantly." But what they at first received very thankfully as a boon, they soon arrogantly demanded as a right; and South Carolina has borne these impositions until "patience itself is no longer a virtue."

Sir, there are but few other States in the Union that would have submitted to the shears of the manufacturers as South Carolina has done. Had old Massachusetts, (a State that I shall always venerate for her early and ardent patriotism, her morality and intelligence,) had she, sir, been affected by your tariff as South Carolina has been, she would long since have taught you to respect her rights and her interests, or she would have taken care of them herself; and, indeed, as it is, some of her leading men had like to have kicked up a confounded dust about the molasses. Well, sir, shall the South, with all her enthusiasm and warm patriotic feeling, be less alive to insult and imposition than the cold regions of the North? Sir,

whenever she is so, I pray to my God she may become another Hayti!!! Think you, sir, I am disposed to praise Carolina? "Pardon me, Cassius, the enemies of Cæsar shall say this—then, in a friend, it is cold modesty."

Do not apprehend, sir, that South Carolina wishes to separate from the Union. No State in the confederacy ever has or ever will cherish a more ardent and desperate devotion to the federal compact, provided you do not continue to make it an instrument for robbing her citizens of their hard earnings, and tyrannizing over her rights. No State has ever been more accommodating to federal interests than South Carolina. She has never been a party in the Supreme Court. In short, she has never been troublesome to you in any way; but she cannot consent to hold the rank of a mere province, and her citizens to be enslaved. They will not become slaves to northern manufacturers, that their negroes may be slaves to them. No, sir, you have no just fears to entertain in relation to South Carolina. She will do every thing, nay, she has done every thing that the federal compact, honor, and patriotism require of her; and after this, if the worst must come, why, in God's name, let it come!!! If those who ought to cherish her as an old revolutionary sister and confederate, regardless of their common sufferings and dangers, their joint achievements and their blended glory, still persevere in ungenerous and unhallowed attempts to beggar and enslave her, she will defy you, sir. What! will she again remonstrate? Yes, sir, she will remonstrate in terms as vivid as the lightning's flash, and in a voice as loud as heaven's thunder. I will not apologize for using strong language. I speak the language of a sovereign State, whose patient endurance is stretched to its last limits. Under your iniquitous system, she struggles for existence. During last winter twelve months, I heard, in her own Legislature, the tale of her enormous wrongs and sufferings. It was familiar to me, and I know it was no fiction; yet it was then portrayed in such glowing, burning words, as harrowed up every feeling of my soul. Yes, sir, I there heard eloquence, and I there saw a temper and a spirit that would have done honor to classic Greece or martial Rome, in their proudest days; and, sir, from what I there saw and heard, I feel warranted in saying that the time is at hand when her rights and her interests, in common with those of the South, must be respected, or she will seek a remedy herself. She was only then restrained from doing so, by a confident belief that the new administration, and the present Congress, would turn a hearing ear to her complaints. She hoped that you would return to correct, constitutional principles—to an honest, economical, impartial policy, and this is all she desires.

Sir, there are two erroneous impressions, against which I wish to guard this House. On the one hand, I entreat you not to imagine that South Carolina, or her representatives, are disposed to menace, or to hold out any thing "*in terrorem*." We are neither so vain nor so mad as to think that we could gain our object by attempting to operate on your fears. We would only address ourselves to your patriotism—your justice, and, as we hope, a returning regard for the constitution.

But, on the other hand, I conjure you not to believe that she will be restrained from asserting and pursuing her just rights, through any apprehension of her own weakness. I am well aware that the physical as well as the moral energy of the South is very much underrated by a certain set of gentry in this country. But, sir, that very part of our population which some suppose, and, perhaps, hope, would neutralize our strength, would, on the contrary, add to our power. A majority of them would, I am confident, fight by the side of their masters. But, were it otherwise, and were we even weaker than our slanderers represent us; they ought to keep in mind the folly and the danger of driving a high-minded, chivalric people to desperation. Frederick the Great had once gained a decisive

battle over the Russians. Couriers were despatched to Berlin with the joyful tidings. But a mere remnant of the Russian army, that Frederick had hemmed in upon the banks of the Oder, and which he would neither take captive nor suffer to retreat, but determined to drive them into the river—this comparative handful of men, I say, under these circumstances, fought with such desperation as soon gave a new aspect to the field of battle. Frederick was totally defeated; and in half an hour after the news of a great victory had been announced at Berlin, a new courier stepped forward on the canvas, bearing a billet with these words: "Let the queen, the royal family, the treasures, and every thing that may be found possible, be instantly removed to Magdeburg. All is lost!"

Sir, a perseverance in your unjust policy will drive the South to equal desperation. It will "sow dragon's teeth amongst us, that will spring up in armed men." And who shall set limits to the exertions of a free people contending for their rights?

But it is hoped there will be no necessity of resorting to extremities.

If South Carolina cannot remain in the confederacy on fair, equitable, and constitutional terms; if, finally, she has no alternative but to adopt such measures as may eventuate in her separation from the great American family, or become a slave, she is disposed to leave you in peace; and she will leave with you—whatever may be her own destiny—she will leave with you her best wishes for your happiness and independence.

But it is something worse than folly to imagine that any part of this republic can be completely independent of the rest. If any part can be so, I think it is the South. The North and the West can manufacture our raw material to a certain extent; but they cannot raise it. The South could both raise and manufacture it in abundance. Her bays and her mountains present inexhaustible sources of salt and of iron. Her fertile soil and congenial climate can furnish a redundancy of provisions; and, sir, there is nothing she really requires that she cannot furnish from her own soil and resources.

We have been tauntingly told to supply our own wants, and to erect manufactories also. Suppose we did; to whom could we sell? To the northern or western people? Surely not—they manufacture for themselves, and have no market but ours, either for their live stock, their provisions, their clothes, their clocks, and other "little notions." Neither of us could compete with Europeans in a foreign market. Before we can do so, we must wait till all the fertile lands of the West are inhabited, our country overstocked with a starving population. We must wait till labor is as cheap here as in Great Britain; our workmen as skilful as hers; and, finally, we must wait till that noble spirit of the free and independent American is exchanged for the servile, slavish character of the poor, dependent British subject. The very fact that you require protection for your manufacturers here, where you have neither freight, insurance duties, or commissions to pay, is conclusive evidence that you cannot possibly compete with Europeans in a foreign market. Your demand for our raw material, with all the legislation that could be given in your favor, would be comparatively trifling. Great Britain and France could consume the whole, in as much as they manufacture for the whole world. But if we cease to buy their goods, they will cease to buy our produce. I take it to be a political axiom, that commerce depends on the reciprocal exchange of one article for another; and that a country which will produce nothing that will sell abroad, can buy nothing abroad.

The North and the West are pretty much in this situation. They must get hold of the rice, cotton, and tobacco of the South, in order to use those articles as so many bills of exchange in a foreign market. They are paid freight and commissions on those articles of produce so taken

abroad. In return for which, they bring back goods, wares, and merchandise, on which high duties, freight, and commissions are exacted. But this principally comes out of the pockets of the southern planters, who produce the articles exported, and consume most of those imported. We are, in this manner, subjected to a double imposition, while others bear scarcely any part of the public burdens.

Sir, this state of things, alone, would seem intolerable. But the evil does not stop here. The South not only makes up the principal part of the revenue, and furnishes the North with nearly all the carrying trade, but she is taxed with high duties, to enable northern manufacturers to compete with those of Great Britain.

Sir, I feel this imposition much stronger than I can explain it. Perhaps too strongly to be perfectly intelligible. South Carolina is still willing to pay any duties, however heavy, that are necessary for revenue—any that are really necessary for the exigencies of the Government; although, at the same time, she is sensible that a very undue proportion of that burden will rest on her own people. But how much longer she will go beyond this point, may be a very important inquiry.

Under all circumstances, do you think it probable we will continue to purchase our clothing from the North, and our horses, mules, and provisions from the West, while we are deprived of an advantageous foreign market for our agricultural products? Sir, if we are tame and mean enough to do so, we would not long possess the ability.

Sir, I had intended to say much more on this subject; but I have been very handsomely anticipated by my able and honorable colleague [Mr. McDUFFIE] who preceded me. Much of that which I intended to say, has been said by him; and certainly much better said than it could have been done by me. But there were some plain, unpleasant declarations, in relation to the temper and opinions of the South, which I thought ought to be publicly avowed here, and which seemed to have escaped the attention of my worthy colleague. However harsh and grating the sound of those disagreeable truths may have struck upon the ears of some gentlemen in this House, I thought it due to candor—due to the State which I, in part, represent—due to this House, and to myself, to make this emphatical declaration of them.

I have, sir, another reason for abridging my remarks at the present moment. The session is, or ought to be, nearly at a close. We have several very important measures yet before us, on which we ought to act, and which must necessarily be discussed. I discover, too, that a great many gentlemen are very anxious to speak on this very subject now under consideration; and I, for one, am disposed to indulge them.

Allow me, then, in conclusion, to say, once for all, that the people of South Carolina will consent to wear their own homespun all their lives—they will submit to any privation—nay, they will suffer annihilation—before they will become slaves or dependents.

Mr. DAVIS, of Massachusetts, spoke in favor of the bill, and in reply to the objections which had been made to it.

Before he had concluded, he gave way for the purpose; and, on motion of Mr. DRAYTON, the bill was passed by.

TUESDAY, MAY 4, 1830.

JUDGE PECK.

Mr. BUCHANAN, from the managers appointed on the part of this House to conduct the impeachment against James H. Peck, judge of the district court of the United States for the district of Missouri, reported:

"That they did, this day, carry to the Senate, then in session as a high court of impeachment, the article of impeachment agreed to by this House on the 1st instant; and that they were informed that they would take proper measures relative to the said impeachment, of which the House would be duly notified."

MAY 4, 1830.]

Tennessee Lands.—The Tariff.

[H. of R.]

TENNESSEE LANDS.

Mr. GRENNELL moved a reconsideration of the vote of yesterday, on the third reading of the Tennessee land bill, stating that he did so at the request of the gentleman from Tennessee, [Mr. CROCKETT] who was willing to accept the amendment suggested by the gentleman from Ohio, [Mr. VINTON] to place the proceeds of the lands in the national treasury, instead of giving them to the State of Tennessee, as proposed by the bill.

Mr. WILLIAMS was opposed to the reconsideration, and demanded the yeas and nays on the question.

Mr. CROCKETT expressed an earnest hope that the House would reconsider the bill. He was willing to accept the amendment of Mr. VINTON, as he had become convinced that the State had no legal claim to the lands; and his great object was to secure the occupants in their possession, without regarding whether the purchase money went into the coffers of the United States or of the State. He proceeded, at some length, to explain the condition of the occupants, the necessity of granting the relief proposed, and to animadvert on the conduct of North Carolina, and the University of that State, in relation to the land titles in Tennessee.

Mr. BELL submitted, at considerable length, his objections to the reconsideration, and his dissent from some of the views of Mr. CROCKETT.

Mr. CARSON and Mr. BARRINGER successively denied and replied to the statements of Mr. C. touching the conduct of North Carolina, and explained and defended that State against the imputations of Mr. C. In reply to a remark made in the course of the debate, respecting the tardiness of North Carolina in coming into the Union, Mr. BARRINGER took occasion to say, that though that State was the last to come into the Union, she would be the last to go out of it.

Mr. CONNER also replied warmly to the allegations of Mr. CROCKETT, respecting the conduct of North Carolina.

Mr. C. JOHNSON, of Tennessee, zealously supported the reconsideration of, and policy of the bill.

Mr. MCCOY rose to move that the motion be laid on the table, but gave way to

Mr. CROCKETT, who replied to the gentleman who opposed his views, and further advocated the bill.

Mr. MCCOY then, after a few remarks, moved to lay the motion for reconsideration on the table; which motion was carried without a division.

THE TARIFF LAWS.

The House then went again into Committee of the Whole, Mr. POLK in the chair, and resumed the tariff subject.

Mr. DAVIS, of Massachusetts, spoke an hour and a half in continuation, and conclusion of the remarks which he commenced yesterday, in support of the protecting system, and in reply to Mr. McDUFFIE.

[His remarks were to the following effect:]

Mr. D. said, he should make no apology for entering into a debate which had assumed a most interesting and important character; and should first recall the attention of the committee to the measures immediately before them, as the gentleman from South Carolina [Mr. McDUFFIE] had, in his speech of three days, omitted to notice it. This is necessary, that we may be able to determine whether the amendment proposed by him, which provides for a general reduction of duties, is the appropriate remedy; or the bill itself, which contains provisions of a very different character.

The bill proposes only to adopt such measures as will carry into effect existing laws, which are now imperfectly executed. Apprehensions being entertained that frauds are perpetrated in the collection of the revenue, the bill has been reported with a view to their suppression; but the gentleman, instead of advancing that object, has

thought proper by his amendment to propose an entire revision and alteration of the revenue laws. I do not complain of this, as gentlemen from the southern portion of the United States seem very solicitous to make this a matter of discussion, though I should have preferred acting on the matters in the bill by themselves, disconnected from the exciting considerations contained in the amendment.

I shall then ask the attention of the House to the bill; but, before I resume my seat, I shall also take notice of the leading arguments urged by the gentleman in support of his amendment—for this is due to the source from whence they emanate, as well as the importance of the considerations involved.

The only question deserving notice in the bill is, whether the revenue laws have been evaded, and the Government defrauded to an extent which calls for a remedy. It is my purpose to be very brief on this head, especially as the gentleman from Vermont [Mr. MALLARY] went largely into the facts; and the proofs he laid before us seem not only to be unquestioned, but the gentleman from South Carolina admits that frauds do exist.

The first evidence to which I shall invite the attention of the committee, is the President's message, in which we are advised, the frauds are perpetrated to such an extent, that he has felt it a duty he owed to his station to call on the legislative branches of the Government for their interposition to suppress them. It is reasonable to presume that the President would not invite our attention to the subject, unless he was in possession of proof that frauds exist. I believe it is not usual for that officer to transmit to us the evidence on which he makes the statements in his annual message. We consequently do not possess that evidence, but still we ought, in fairness, to presume that he possesses enough to warrant his assertions. But be this as it may, unless I am greatly misinformed, there is proof sufficient in the Treasury Department to satisfy any one who will examine it, that the revenue laws are shamefully violated.

But, sir, the proof does not stop here; for we have on our tables another document, (somewhat apocryphal, if all that critics and reviewers have said of it is true,) emanating from the Committee on Commerce; but as the source from whence it comes is not suspected of partiality towards the industry of our country, I may with safety quote it as an authority to prove the violations of the revenue laws. We are told in this report, which purports to be a review of the condition of commerce and navigation, but which is a philippic against the tariff, that frauds to such an enormous extent exist, that, if we follow the statements of the writer out, they will appear incredibly great.

We have yet another document, which comes here bearing the names, as I am informed, of about twenty thousand citizens of the city of New York, who allege, in substance, that the regular trade of that city is depressed to a ruinous extent by the united energy of sales at auction and frauds upon the revenue; the sales at auction, by their despatch, being a principal means by which all traces of fraud upon the revenue are obliterated. Their joint co-operation, it is said, bears with the most alarming severity upon all fair and regular trade. I have noticed the memorials of these persons, because they are as free from all suspicion of bias towards the tariff as the Committee on Commerce, being avowedly hostile to the protection of American industry. I hold in my hand one of these memorials, signed by an officer of the custom-house, in which it is said, "the revenue is largely and systematically defrauded." "The proofs of this alarming truth are so abundant, that it has long been a settled point among intelligent merchants." And it is added, that "the officers of the customs in this city, whose experience has been on the largest scale, and who have devoted much attention to this subject, concur in the opinions and facts which we have now stated." The officers of the customs! Yes, our own

officers, who are under the pay and eat the bread of this Government, strange as it may seem, concur in this opinion, that frauds are perpetrated, the public treasure wasted, and the laws of the country daily trampled under foot.

It cannot be necessary to add to such conclusive evidence; and I will proceed to show in what manner these frauds are perpetrated, that we may understand how to apply a remedy to this crying evil.

Your laws now impose upon most kinds of imported merchandise what is usually called an ad valorem duty; that is, a certain rate per cent. on the value of the goods in the market where they are purchased. Consequently, the more they cost, the more duty they pay, and hence the importer has a motive to bring them into the custom-house at as low a rate as possible, that he may escape the duties. The law also provides that the importer shall, when he enters his goods, deliver to the collector an invoice of them, containing the quantity and value, to which he makes oath, and upon which the duties are assessed. If, therefore, he puts down cloth which costs a dollar a yard at fifty cents, he escapes half the duty, unless the fraud is detected.

This mode of imposing duties has given rise to frauds by false invoices, in two ways: first, by an undervaluation of goods, and, secondly, by short measure. And as I do not desire the committee to repose confidence without evidence, I will proceed to lay before them some of the leading facts in my possession. I derive them not from manufacturers or farmers, who are said to be deeply interested in a rigid execution of the revenue laws, but from a source that will not be discredited, because of its attachment to either of these branches of industry, from a document laid before us by the twenty thousand memorialists from the city of New York, who are on the spot, and eye-witnesses of the evasions of the law practised at the custom-house in that city. This document has been long in print, and, as far as my knowledge extends, stands unrefuted—nay, unquestioned. In the statements, the names of persons are purposely omitted, but they can be furnished to any gentleman desirous of seeing them. I am informed that they are among the most worthy and respectable inhabitants of that city, and shall therefore assume that the witnesses tell the truth, leaving it to others to impeach their statements, if it can be done. They represent, that, by the conjoint operation of a systematic evasion of the revenue laws and sales at auction, they have been pressed and borne down, until many have been forced to the verge of ruin; and they give the following as some of the methods employed by those who disregard all moral considerations, and flinch not at perjury, to shun the provisions of law. A merchant of New York ordered two thousand pieces of goods from a British manufacturer, of a particular description, and after patterns of his own, purchasing them at as low a rate as they could be had in the British market. He shipped them home under an expectation of realizing the fruits of his enterprise; but when his goods arrived, he found, to his astonishment, the same individual of whom he purchased, had shipped by the same vessel five thousand pieces of the same kind of goods, to be sold by his agent, and that these goods were offered lower than he could afford to sell. Not comprehending how this could be done without loss, he investigated the matter, and found that the five thousand pieces had been entered at the custom-house from five to eight shillings sterling lower on the piece than he had paid for the two thousand pieces; and the consequence was, that he lost about two thousand dollars, while the British manufacturer made a handsome profit by the fraud in his invoice.

Another merchant bought a quantity of goods entitled to debenture, and, after exporting them, he applied for the drawback, and found it smaller than he anticipated, which led to inquiry; and he ascertained where the goods had been bought in Europe, and that they had been passed at

the custom-house at from twenty-five to thirty per cent. less than the cost in Europe. Another merchant in New York became the purchaser of goods, and, suspecting all was not right, pursued a similar course of inquiry, and ascertained, by the clearest proof, that they had been entered at the custom-house at from twenty to thirty per cent. below cost.

In former periods, when our merchants were distinguished as a class of high-minded, honorable men, conducting their business upon fair and just principles, it was usual to sell at an agreed rate per cent. of advance upon the invoice by which the goods were entered, which was exhibited to the purchaser. That mode of transacting business, which subserved the purposes of honest men, has fallen into disuse, and been superseded by an artful contrivance well adapted to disguise frauds. An invoice is made up to enter the goods at the custom-house, wherein they are greatly undervalued; and when it has performed this office, its work being finished, it is consigned to some dark pigeon hole, there to sleep, and another paper, sometimes called an invoice, and sometimes a statement, is exhibited to purchasers, as containing the actual cost of goods. The first is manufactured to delude the officers of the customs, the last to conceal perjury. Several mistakes have happened, which have exposed this infamous practice to the gaze of the public.

"A foreign importer at New York sold a package of goods at a certain advance on the cost. Shortly after making the sale, he discovered that he had sold at an advance on the fictitious cost, or, in other words, on the invoice by which the goods had been entered at the custom-house; he went to the buyer, and informed him of the mistake, and insisted that he should make up the difference between the actual and the false cost. The buyer was surprised at the novelty of the request, refused to allow any thing, and told him, if he persisted in the request, he would expose him to the collector of the customs. The importer pocketed the affront, and went about his business."

In another instance, a merchant bought a quantity of goods at sixty-five per cent. advance on the sterling cost. Soon after the buyer had left the store of the seller, he was informed by the latter that the goods could not be delivered, because he had made a mistake in selling them by the wrong invoice. The buyer replied that he would take them by the prices at which they had been entered at the custom-house; but the seller declined this, saying his instructions were to sell at an advance upon prices put down in a paper which had the form of an invoice, but was called a statement, in which the prices were charged one hundred per cent. above the invoice upon which the duty had been paid at the custom-house; that is, goods charged in the custom-house invoice at twelve dollars a piece, were put down in the statement at twenty-four dollars a piece.

Other examples of this class of frauds could be cited, but it would be a waste of time, for the same authority says: It is a common custom, and one well understood among merchants, that many foreign importers, resident in this country, are in the constant habit of receiving two invoices of each parcel of goods, one for the custom-house, and the other to sell by. It adds, that, among the importers of woollens, it is a common custom to enter goods on an invoice made out expressly for that purpose, and much below the actual cost, averaging probably not less than thirty-three and a third per cent.

In proof of this, and also that goods are entered by false invoices, the following fact is given: Broadcloth, entered at the custom-house as costing from four to five shillings sterling the yard under the tariff of 1824, was frequently bought in at auction by the importer at two dollars and twenty-five to two dollars and fifty cents the yard, to escape from a sacrifice of the property!—yet, if the invoice was honest, these prices would afford enormous profit. Another instance among many shall be named. A mer-

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chant ordered a quantity of woollens of an English manufacturer. In the same vessel which brought them out, came a shipment of goods of the same kind and quality, sent by the manufacturer himself on his own account, which were entered at the custom-house so much below what the merchant gave, that the former made twenty-five per cent. on the sales, while the latter lost ten per cent. I will not weary the patience of the committee by multiplying the proofs, for these facts show the most glaring, palpable, barefaced fraud and imposition, as well as an utter degradation of moral character, for they are necessarily accompanied and sustained by the most deliberate perjury.

I do not know, indeed, that any one questions this violation of truth and law; for it seems to be admitted that English agents and manufacturers are right when they declare our custom-house affords the greatest facilities for evading the revenue.

I stated that invoices were also false in another particular—in failing to give a true account of the quantity. The same authority gives well authenticated instances of goods entered for twelve yards the piece, which were sold in market at from fourteen to fifteen yards the piece; by which fraud, sixteen per cent. of the goods at least escaped all duty.

I will now state a fact, which will show that frauds in the woollen trade are perpetrated to a most alarming extent. It is known that the revenue law of 1828 establishes a gradation of prices, on which the duty is assessed; for example, a square yard of cloth costing thirty-three and a third cents, and under fifty cents, is considered as costing fifty cents; and a yard actually costing thirty-four cents, pays the same duty as one costing fifty cents; so, also, a yard costing fifty-one cents, or any sum between that and one dollar, pays the same duty as a yard costing a dollar; and a yard costing one hundred and one cents, or any sum between that and two dollars and fifty cents, pays the same duty as one costing two dollars and fifty cents, and so on. The lowest duty is forty-five per cent. on these arbitrary sums, and the highest is at least three times that amount. The natural operation of the law would be to bring those classes of goods into the market which pay the lowest duty, and to exclude those which pay the highest; but I am well assured that it has produced no such effect; for goods which pay the highest duty are as abundant in the market as they ever were; and there is no visible disproportion between the price they bear and the price of those which pay the lowest duty. In fact, the trade goes on, apparently, precisely as it did before the passage of the law. If the provisions of the act were executed, this could not be so; and we need no better or stronger proof to show that systematic fraud pervades the woollen trade throughout, as an inequality in the duty would produce a like inequality in the value of the foreign productions in our market.

In confirmation of this view of the matter, as well as of the existence of frauds, there have been exhibited in this House specimens of woollens, which were invoiced for entry at the custom-house at one dollar the yard, and are selling by the piece at five dollars the yard in the largest markets of the country.

Sir, the facts disclosed are remarkable in their character, especially as they show that these gross evasions of law are in a measure legalized by passing the goods through the custom-house. Whether they are carried on so boldly and successfully through the negligence of public officers, or because they are unable to discharge the duties imposed on them, I shall not undertake to determine; but I am in possession of some facts which go to show that, from one cause or the other, there is a very imperfect knowledge among the officers of what passes through their hands, and, of course, an imperfect collection of the revenue.

A merchant in Boston imported two cases of goods, which were entered at New York; and, on opening No. 1, and comparing the goods with No. 1 in the invoice, it was found the goods did not correspond to the invoice; and, as he was about ordering them to be reshipped, it occurred to him there might be a mistake in numbering the cases; he, therefore, opened No. 2, and found the goods answered the description of No. 1 of the invoice. Here was no fraud; but it is manifest that the cases could not have been so closely examined at the custom-house as to learn what they contained, or the error would have been detected. So, too, the chairman of the committee has informed us that a British factor was indicted for frauds in the importation of goods, during the last summer, in New York, and, under a sense of his guilt and infamy, absconded, and has not since been seen in the United States. But we are not indebted to the vigilance of the officers of the custom-house for his detection. No, sir; for aught but appears, he might have carried on his traffic in fraud and perjury to this day, had not a misunderstanding and a quarrel risen between him and one acquainted with his scandalous conduct, which occasioned the disclosure, and a presentment by the grand jury.

I would do no injustice to any one; and, therefore, here take occasion to say that the gentleman from Vermont [Mr. MALLARY] has declared his belief that the collector of New York exerts himself to discharge his duty faithfully, but has hitherto been frustrated for the want of sufficient power to execute the laws according to their spirit and just interpretation. If this be so, it is time efficient measures were adopted; it is time these abuses were reformed; and this custom-house, which seems to be but a railroad to smugglers, was organized in such a manner as to arrest the bold strides of vice and corruption. If there be not force enough there to discharge the arduous duties required, let us send additional aid, or at once repeal our statutes: for the consequences resulting from the present state of things are too injurious to be tolerated. The American importing merchants (I speak of the woollen trade) have, as the gentleman from Vermont has conclusively shown, been forced from their business, or overwhelmed with bankruptcy; so that but a small remnant of a large body of valuable and high-minded men is left to recount the tales of their embarrassments, while their business has been usurped by a class of unprincipled foreigners, who consider it meritorious to violate their oaths, to cheat the Government out of its revenues, and to trample its laws under foot. The dignity and insulted honor of the nation demand a remedy for this evil; our oppressed citizens, robbed of their just rights by an illicit trade, demand the parental protection of the Government.

But the fatal consequences reach beyond the merchant, and strike at the prosperity of the manufacturing interest. We have seen the establishments of our country fall, one after another, victims to the capital and treachery of foreigners, who have stained our honor and stolen our birth-right. They reach alike all our great interests: for you might as well say that the giant oak of the forest will not crush the shrubbery under it when it falls, as to say the overthrow of the merchants and manufacturers will not also prostrate the farmers and mechanics. We live together as a great family, and, by an exchange of the products of labor, we are fed, clothed, and lodged. The farmer has wants beyond the produce of his land; the manufacturer and mechanic have wants beyond the produce of their labor; each supplies the other out of the fruits of his industry: and thus it is, a whole community is made comfortable and happy by a demand for the produce of the labor of each other. Foreign agents and factors, by this system of frauds, break in upon us, and paralyze the industry of the country. They offer merchandise to our farmers, but will take nothing they produce in return. They offer it to our mechanics, but deny them all benefit

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of employment. They offer it to our manufacturers, but the policy of their country is so regulated as to keep our products out of her market. While Great Britain pursues this selfish course, of which we have no right to complain, if I can understand the tone of her newspapers and periodicals, they hold it to be not only meritorious, but patriotic, to violate the revenue laws of this country; and if I can understand the state of sentiment in Parliament, it is far from discountenancing smuggling. While this state of things exists in that country; while this determination to force themselves upon us, regardless of our policy and of our laws, continues, we have no alternative left, but to meet it with energy, and protect the rights of those who have reposed confidence in us. As things now are, he who commits the most fraud, reaps the most benefit. Sir, I cannot persuade myself there is an individual in this House, who will advocate the state of things I have described. Your laws ought either to be repealed or executed; and my belief is, that the interests of the country require they should be enforced, and that some such plan as that proposed by the bill is a suitable remedy for the evil.

But the gentleman from South Carolina [Mr. McDuffie] entertains, as he says, an opinion widely different, and has proposed, as an amendment, the repeal of the laws of 1828 and 1824: in other words, he proposes to reduce the duties. I do not comprehend in what way this is to restrain men from injuring us, who are regardless of oaths, and destitute of all moral sentiment; men who hold it meritorious to cheat, and patriotic to commit perjury. You cannot appeal to the consciences of such men with any hope of success; it is to their fears you must address yourself; you must operate upon their interests, and make it difficult and dangerous for them to pursue their career of wickedness; any thing short of this will be worse than unavailing: money is the idol of such men, and gain, whether great or small, affords sufficient temptation to evil; and they must be made to understand that the chances of loss are greater than the chances of gain.

The gentleman has indeed had the candor to acknowledge that his object is not so much to correct abuses, as to revise and modify the revenue system, by reducing the duties generally; and his long impassioned argument has been addressed to us with the apparent intent to convince us of the propriety of adopting such a measure. I did hope this bill would be suffered to rest on its own merits, and receive the approbation or disapprobation of the House according to its unbiased judgment. I did hope the exciting subject of modifying the tariff of duties generally would not be brought forward to embarrass it; but, as the gentleman has thought the opposite course wise and expedient, I shall meet it, not with a detailed examination of his elaborate speech, but of the leading propositions on which his discursive argument was founded. If the premises can be proved false, the conclusions must be erroneous. I am aware that this subject, though one of deep interest to the country, one on which hangs its prosperity and happiness, is, in its details, dry, and calls for an exercise of patience on the part of the committee; yet I hope to be indulged with their attention, though I may ail to reward it.

The tariff, as it is called, which means nothing more than the revenue system which has existed under various modifications ever since the formation of the constitution, has occupied much of public attention for several years past. The tone of complaint from the South, against the laws, has been loud, vehement, and almost unremitted. The support of, or opposition to, the policy, has almost become the test of parties; and as often as the subject has been agitated here, (and it is up in one form or another every session,) it brings with it great ardor and power of argument in the discussion, from all sides of the House. The advocates of the policy have contended that, since

the peace of 1815, we are placed in a new condition, the nations of Europe having resumed that trade which fell into our hands by the chances of war; and driven us back upon our own resources; that a demand for the products of the farmer no longer exists to any considerable extent in Europe; and, if labor cannot be so employed here, as to supply our most pressing wants, we should be poor and miserable: for it matters little whether a man have the surplus products of the earth on his hands or not, if he have no way of disposing of them so as to meet his necessities.

On the other hand, it has been contended that our true policy lies in a different direction; and we have been invited to look at the glowing picture of former days, when our trade and commerce spread over the face of the inhabited earth, and men acquired princely fortunes almost without an effort. We have been told that these channels of commerce are not dried up, but are still open to mines of wealth, if we were not so blind to our interests as to shut our eyes against the truth. Those who have pressed such considerations upon us, have been asked where these avenues to prosperity are? Where can the farmer send his grain, his flour, his beef, his pork, and other products of his labor? Does England take them? No. Does France? No. Does any part of Europe? No, not to such an extent as to afford him any encouragement to pursue his business. Europe feeds her own population—she sells the products of her labor, but does not buy such as she can produce. Those, therefore, who look for a return of prosperity from that source, dream. They have waited, and will wait in vain, without the nations of Europe change their policy. Agriculture is the foundation of all commerce; and he who proves that it is our wisest policy to become all farmers, must first show where we can sell the fruits of our labor—we cannot sell to each other if we all work at that business, because we then supply ourselves.

Again: It has been urged that our revenue would fail, and we should be compelled to resort to direct taxes, to support the Government and pay the national debt. Predictions of this kind were made in the bold tone of absolute confidence; and ardent appeals were made to the public, to repudiate a policy which would take from labor its hard earnings to supply the public treasury. Time has falsified these prophecies, and the complaint now is, that the Government will be ruined by the surplus funds in the treasury, because every portion of the Union is scrambling to obtain, in one form or another, its portion of the money.

Again: It was predicted that, where duties have been imposed, goods would rise to an exorbitant price, and the consumer be heavily burdened; but here again the prediction has failed, for the consumer has found his supplies cheapened.

Gentlemen are much puzzled with these results, but still condemn the tariff with as much zeal and vehemence as if every prophecy had been fulfilled to the letter. They seem to be aware of the embarrassments they must encounter in establishing the old notion that a duty is a tax to the amount of it upon the consumer of foreign productions, for they are met with the fact that an increase of duties has not produced that result.

The gentleman from South Carolina, being aware that these objections are not easily surmounted, seems to have discarded the old theory as false, and has introduced a doctrine new in many of its features and consequences. I, for the first time, saw the substance of it in a document from his State, called "An Exposition and Protest," which emanated from the Legislature, and which I read with too much haste to remember with great accuracy. The theory is strenuously maintained, that duties are taxes, although goods are made cheaper under their operation; and to carry the doctrine out, it is asserted that the old idea that

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the consumer pays the tax; is founded in mistake, for it is the producer that bears the burden. Exports, says the gentleman, pay the duties on imports; and as merchants and factors are mere agents, the planter is the exporter of cotton, tobacco, and rice. Two-thirds of all the exports, he says, consist of these articles. The imports, he adds, are purchased with the exports, and two-thirds of them are paid for in these articles; and, as the exporter pays the duty, it follows that the planters pay two-thirds of the whole revenue; that is, sixteen millions of dollars out of twenty-four millions, which is about the annual amount of revenue. This burden, he says, falls on less than three millions of population, while the remaining nine millions pay only eight millions of revenue, because they export only to that amount.

If this be true, if sixteen millions of revenue are drawn from the earnings of less than three millions of our population annually, I agree that the burdens are greatly disproportionate—that the South are grievously oppressed, and it is the duty of this Government to afford immediate relief. But, sir, the very statement itself strikes the ear as incredible. Is it true? Can it be true that less than three millions of persons pay sixteen millions of annual tax? If so, the planter has a business yielding such a profit as our people are unacquainted with. I say, no people since the foundation of the earth ever did sustain such a burden for a succession of years; and as the doctrine is at variance with all received notions, it ought to be sustained by strong proofs, before it gains credence. The gentleman says, it is self-evident; but, to my dull apprehension, it is far, very far, from being so; and I regret that the evidence which makes it so clear to him, has not been more fully stated.

I will, if the committee will lend me their patience, endeavor to point out some of the obstacles which must be surmounted to establish this doctrine. To disembarass the question, I shall follow the example of the gentleman, by throwing out of the way the machinery of trade, and considering the planter as the exporter. Suppose, then, he ships a cargo of cotton for the English market, where it is sold. The theory of the gentleman is, that he must receive goods in pay, for he cannot command specie; and if these goods are subject to a duty when they arrive in this country, the amount paid at the custom-house is a tax upon the cotton itself, as a raw material, and the planter actually loses it, as much as if an excise were laid upon it before it was shipped; and I understood him to say, and repeat, that it made no difference with the planter, whether the tax, as he called it, was imposed directly on the cotton in his hands before it was shipped, or on the goods, as it now is, at the custom-house. This doctrine, he says, applies to all imported goods thus purchased, be they consumed by whom they may.

I will now state his reasons given in support of this theory, as I understood them. He said, that if the manufacturer in England could raise the price of his manufactured articles, as duties are imposed, he would then throw the burden on the consumer; but he finds himself unable to do this, and turns round on his heel, and takes the amount out of the grower of the raw material. The manufacturer says, you must receive your pay in goods, of some sort or other, in our markets; we cannot raise the price, and must take the duty out of the cotton; and thus the price of the raw material is reduced, and the earnings of the planter taken from him. Being aware that the assent of the holder of cotton is necessary to a bargain of this sort, the gentleman provided for that difficulty, by asserting, in unqualified terms, that the purchaser is enabled to accomplish this end, because he controls the market, and established the terms on which he will buy.

Now, let us look at this proposition, and see what consequences must follow, if it be well founded. The manufacturer in England controls the market; and assesses

on the raw material shipped from this country whatever duties may be collected at our custom-houses on any kind of goods that may be purchased with the avails. Is it true that the purchasers in the market control it? Every man who does business, feels that the market is controlled by another and greater power; he feels that commodities are dear or cheap, according as the supply is great or small, and that it is the supply which fixes the price, and not the will of the buyer. If it depends on the will of the buyer, he might as well purchase at one cent the pound as at twelve.

Again: If the buyer has the power to fix the price, and make such allowances and deductions as he pleases, for duties imposed on English manufactures by our tariff, that power will enable him to deduct any other duties or taxes to which his business may be subject; and he would, of course, deduct a duty of six per cent. upon cotton, which is imposed in England, and paid into the treasury of that kingdom. He can provide for this with much greater facility, than for the duties on the various kinds of goods which are bought with the avails of cotton, and exported to this country. If he has the power to provide for the one, he surely has for the other. If the planter carries rice to the same market, it is subject to the same controlling influence, and the duties which are three dollars and thirty-three cents the hundred, may be deducted from the value, and thrown upon him in the same way. So also of tobacco, which pays a duty of three shillings sterling on the pound, which is much more than the article is worth; and consequently the planter would upon this theory lose his produce, and be brought into debt for the balance of the duty. This singular theory discloses a new principle in finance, which must come into high estimation; for, if the doctrine is well founded, a nation may so regulate its trade, as to draw all its revenues from the foreign States with which it deals.

The next consequence, which obviously results from this doctrine, is, that our tariff bears with the same force upon all foreign countries which bring cotton, rice, and tobacco into the English market, as it does upon the southern States.

The planter of the South meets, as competitors in that market, the planter of Brazil, the planter of Egypt, the planter of the East Indies, and the planter of the West Indies. If the duties are taken out of the raw material, because of our tariff, then there ought to be a discrimination in the price of cotton from different portions of the world; and it should bear a higher or a lower price, according as the duties on manufactured articles are higher or lower in the country from which it is brought. If, for example, the duties in Brazil on British merchandise are fifteen per cent., and here they are fifty per cent., then American cotton ought to sell much lower than Brazilian. So, if there be no duty on British merchandise in her own colonies of the East and West Indies; then the difference ought to be still greater. But no such discrimination exists; for cotton of the same quality bears in the market the same price, from whatever country it may come; and it follows, that, if the tariff causes such a heavy loss on the raw material to the planter of the United States, it depresses the cotton of Brazil and Egypt in the same ratio; nay, it occasions the same disastrous consequences to the colonies of England herself, for it levels all cotton to the same standard. Upon this principle, if Brazil were to run her duties on imports above ours, her laws would at once bear upon this country, and reduce the price still lower. If, then, the planter of the South, as the gentleman says, is borne down and ground into the dust by the tariff; if he is robbed of the fruits of his honest labor, and driven to desperation, it produces the same pernicious effect upon the planters of other countries—for they get the same price, and no more; and that price is measured out and regulated by our tariff. This, I believe, is giving

a wider scope to the operation of our laws, and diffusing their power more broadly, than has ever been imagined by the most enthusiastic opposer of the tariff.

[Mr. McDUFFIE rose to explain, because he perceived [he said] that the gentleman, from Massachusetts intended to answer his argument fairly. The gentleman had stated that cotton of the same quality bears the same price, come from where it might—agreed—but the southern planter receives goods on which he pays a duty of two hundred and fifteen per cent., while the planter of Brazil gets goods on which he pays only fifteen per cent; that is the reason why the southern planter is ground down, and the other is not.]

Mr. DAVIS resumed. I shall consider that by and by. I said, if the position of the gentleman is well founded, he proves that our tariff bears on all cotton growing countries with the same weight as on the southern States, because the price of all cotton of the same quality, come from where it may, is the same. Now, if the duties are deducted from the raw material, and paid, as the gentleman asserts, by the grower, because the purchaser controls the market, then it is clear that less would be deducted from Brazilian cotton than from ours, and there would be a discrimination in the price—a difference in the value; but I have shown that there is no difference, and the gentleman admits it. It would seem, therefore, to follow, that our duties on British merchandise do not regulate the price of cotton, and have little to do with it.

[Mr. McDUFFIE again interposed to explain. His argument was not that the Brazilian grower could not raise his price, but that the American grower could not.] I fear I do not fully comprehend the gentleman from South Carolina. I was endeavoring to follow out his argument, and to show some of the difficulties he must surmount to maintain it. I understood him to state, in the outset, that exports pay the duties on imports; and to deduce as an inference from the fact, that the South paid into the treasury two-thirds of the revenue of the United States, because the cotton, rice, and tobacco, raised and sent abroad by that portion of the Union, constitute two-thirds of the exports. I understood him also to declare, in the commencement of his speech, that the old notion, that the consumer of imported merchandise pays the duties, by giving an increased price for what he buys, was founded in mistake and misapprehension. In confirmation of these declarations, I understood him to say, and repeat, that it made no difference whether cotton, rice, and tobacco were taxed to the amount of sixteen millions of dollars in the hands of the growers, before they were shipped, or that sum was collected on imported merchandise, bought in foreign markets with the avails of these articles, for, in either case, the whole loss fell on the planter. From the assumption of these grounds by the gentleman, I thought I was justified in inferring that he meant to declare that the consumer did not pay the duty, but the grower of the raw material did; for I could not persuade myself into the belief that he meant to assert that less than three millions of inhabitants consumed forty millions worth of imported articles, while the remaining nine millions consumed only to the amount of twenty millions. I was led also to this conclusion, because the gentleman said that the manufacturer of England would throw the duty upon the consumer, by raising the price of the articles on which the duty was imposed, if he could, but he could not do it because he could not raise the price. Indeed, the whole course of his reasoning appeared to me to be based on the hypothesis that the price of the raw material is reduced in the market by the tariff, and thus the planter is subjected to great loss. I am not able to comprehend how the argument can be explained upon any other supposition, than that the price of the exports is reduced in the foreign market in the manner I have described; for, if this be not the case, I am at a loss to understand how the gen-

tleman can maintain that the South paid sixteen millions, or two-thirds of the annual revenue; for if the burden be not forced upon them in this manner, then they pay as consumers only: but the gentleman has repudiated this as a false notion. He must be aware, also, that the ratio of consumption and exportation are widely different; for, admitting that less than three millions of our population furnish two-thirds of the exports, yet every body knows that the whole nation are consumers of imports, and probably the nine millions of persons who export none of the cotton, rice, and tobacco, are the greatest consumers of foreign merchandise, as they live in a colder climate, and have more wants. But, allowing that they consume only an equal quantity, the argument of the gentleman fails, for, instead of consuming forty millions out of sixty, the South would then consume only fifteen millions out of that amount. I say, therefore, that the main proposition, that the South pays two-thirds of the revenue, because they grow two-thirds of the exports, falls to the ground, unless it can be shown that they pay it in some other way than as consumers.

But I will, for the present, dismiss this part of the subject, and proceed to point out other obstacles, which must be surmounted in establishing the doctrine which the gentleman appeared to me to contend for, and which is surely set up by the exposition and protest of the Legislature of his State.

If the purchaser of raw cotton, and other exports in the English market, has the power imputed to him of controlling the market in such manner as to reduce the value of our exports forty-five per cent., as is alleged, because we collect forty-five per cent. on imports in this country; if he can thus, at pleasure, cut down the value of our staples, then it follows, that he pockets the enormous profit of forty-five per cent. on all the vast consumption of cotton goods in the British dominions, for on this consumption there is no impost, and there is no apology for reducing the price of the raw material which enters into it, because of our tariff. The reduction is to meet the duties here, and here only; but as it reaches all cotton, it produces this result. If it be true, as has been asserted, that the tariff causes a decline in the value of exports of forty-five per cent.; and if it be true, as the gentleman from New York [Mr. CAMBRELENG] has alleged in his report on commerce, that it gives to the British manufacturer a premium of eleven dollars and sixty cents on every piece of broadcloth worth two dollars per yard, the law of 1823, which seems to be in bad odor in England, ought to be esteemed by the people of that country as more precious and valuable than the acquisition of the mines of South America. Yet, with all their sagacity in trade, they are so stupid as to overlook these vast advantages, and actually complain of our policy as narrow, selfish, and illiberal. They must be either short-sighted, or they view the matter differently from gentlemen here.

Another objection to this kind of reasoning, is, that it is utterly impracticable to take the duties on imported merchandise out of exports, and apply them in the way supposed. The whole scheme is founded on the idea that he who exports the products of this country to foreign markets must receive his pay in merchandise. Without stopping to question the soundness of this position, I will ask the attention of the committee to one or two considerations, which will show that no such process of reduction in price can take place. A cargo of cotton is shipped to England, and there sold to a manufacturer of that material. The trade is not for goods, but money, which is perhaps to be expended in merchandise of fifty different kinds—some subject to no duty, some to a low one, and some to a high one. Now, sir, can any thing be plainer than that the purchaser enters into no negotiation about those duties; that he makes no terms of purchase conforming to them? Can any thing be more obvious than

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that it is a matter of utter indifference with him how the avails are expended? Can any thing be more apparent than that the manufacturers of woollens or silks, if the avails should be expended in these articles, would in no respect be benefited by this reservation of forty-five per cent. in the pocket of the purchaser of the cotton? Can any thing be more evident than if such a deduction were made and reserved by the purchaser, it would be clear gain to him, without aiding in any manner to pay the duties on such merchandise as the owner of the cotton might see fit to take in return? If the manufacturer of cotton paid in cotton goods, he might afford them cheaper; but he cannot compel others to sell their goods cheaper, because he has reserved to himself forty-five per cent. out of the cargo.

I will not weary patience by pursuing this matter further; for, if I do not greatly mistake, I have shown enough to prove the unsoundness of the doctrine, that exports pay the duty on imports—that the planters of the South pay two-thirds of the revenue, because they export two-thirds of the amount of produce which goes out of the country.

I have felt much solicitude to understand the gentleman from South Carolina [Mr. McDUFFIE] correctly, for I thought he put forth a new doctrine, such as I have been commenting upon. He has risen twice to explain, and by his explanation has placed the question on ground somewhat different from my understanding of the general tenor of his argument. As I am about passing from this part of the subject to another, I will state how I now understand him, and hope he will correct me if I am wrong. I understand him now to say that the price of cotton is not affected in the foreign market by the tariff, but still the planters are burdened with the payment of two-thirds of the revenue, under the operation of the tariff in some other way. I have already intimated that, if his argument could not be maintained by showing the planter suffered a loss in the sale of his produce, the only disputable ground left was upon the question whether he suffers to the amount alleged as a consumer of foreign merchandise. The gentleman, after laboring at great length to prove that the duties fell on the growers of cotton, rice, and tobacco, said the evil did not stop here; if it did, the country would not bear a system so unjust and ruinous in its operation a moment. But [said he] forty-five per cent. of our labor is arrested at the custom-house, and disbursed as a bounty among the manufacturers of the United States. If the doctrine be true, which was thrown out in the argument of the gentleman, that the manufacturer of England reduces the price of raw cotton, because he cannot raise the price of goods, and thus takes the duty out of the planter, it would destroy this argument respecting bounties; for if the tariff does not raise the price of English merchandise here, but leaves it where it was before the passage of the law, it is difficult to see how it affords a bounty to the manufacturers of this country; indeed, we have the declaration of the gentleman himself, that the manufacturers are right when they say the price of goods has not increased much. I will not, however, press this argument, as it seems now to be admitted that the duties are not taken out of the raw produce, but will dismiss it with one remark; if the duties are paid on the raw produce, they are not paid also by the consumer; it is therefore necessary, either to abandon the ground that the English manufacturer controls the market, and reduces the price, because he cannot raise the price of his goods, or to give up the position that the manufacturers here receive a bounty, as a bounty, as it is called, rests entirely on the supposition that foreign merchandise is made dearer in our market by the duties, and that the consumer pays the difference. One argument proves that the planter, as producer, pays the duties, the other that the consumer pays them—thus they are twice paid, if both arguments are well founded.

Leaving, then, the first branch of the subject, I come to this doctrine of bounties. The gentleman says, in substance, that the good will of a majority of the American people is secured by the disbursement of forty-five per cent. of the whole fruits of the labor of the South among them; and how are these disbursements made? Not in money. No one pretends that any money is distributed, for the money arising from imposts comes into the treasury, and is used to defray the exigencies of the Government. I take it for granted that the gentleman means no more by a disbursement of bounties, than I have already intimated—he means, that the price of goods is raised in the market by the duties on foreign merchandise; and, in consequence of that, our manufacturers realize more for their goods. If this be all that is meant by exports paying the duties on imports, it is nothing but the old doctrine under a new name—it comes to nothing more than what has always been familiar to us in all discussions upon this subject—it is what every opposer of the protection of home industry has contended for, namely, that the consumer is burdened with the duty, unless the gentleman means to assert that there is a loss somewhere, between the sale of raw produce and the sale of goods, to the consumer. If there be such a loss, or any loss which goods, on being sold, do not indemnify, I will show that it does not fall on the planter.

I have thus far thrown aside the machinery of trade, and considered the planter as transacting the business, for the purpose of disencumbering the subject; but it becomes necessary now to look at business as it is. The planter does not usually ship his produce, but sells it to the American merchant, who pays him for it all it is worth in the English market, saving freight and charges, and pays him in money. If, therefore, any loss ensues afterwards, by taking merchandise in exchange for it, this loss falls on the merchant, and not upon the planter. That no such intermediate loss occurs, is rendered sufficiently certain by the fact that merchants always have, and still continue to carry on the trade. It would seem very obvious, therefore, that the merchant gets indemnified for all his costs and charges, whether they arise from duties or merchandise, or any other cause; and it seems to be equally apparent that foreign goods come charged with all expenses into our market, and, if any one is burdened, it is the consumer.

I have been thus particular on this point, that there might be no misapprehension about it, for I am aware that the worthy gentleman from South Carolina has been considered as putting forth a new doctrine, as giving a new explanation of the effect of the revenue system upon the South; but I believe, as the matter now stands, it is but a new name for an old acquaintance.

He, however, persists in the opinion that the South bears the burden of the Government, and pays two-thirds of the revenue. He insists that, out of sixty millions of imports, his three millions of inhabitants consume forty millions. I have anticipated nearly all that need be said in answer to this argument. I shall, however, make a few additional observations. There is no exact data by which this point in controversy can be settled, but I will appeal to the judgment of all persons acquainted with the population of the South to settle the question by their own observation. Slaves constitute a considerable portion of this population, and no one, I think, will contend that they consume much foreign merchandise, nor is there any reason for believing that the white population consume more largely than the population of any other region. The gentleman himself assures us they are too poor, too deeply involved, to spend diffusely. The climate of the northern and middle regions is more severe, and calls for more clothing and greater expenditures to make life comfortable; and, if the truth could be reached on this question, there is little doubt that the inhabitants of the

northern and middle regions would prove to be the greatest consumers on an average. The gentleman, however, assigns about three millions of persons to the cotton, rice, and tobacco region, and about nine millions to the residue of the country. He assigns to the three millions forty millions of imported merchandise, and to the nine millions twenty millions of like merchandise. The bare statement of the case I am sure must convince every one that the premises assumed cannot be maintained. But there is another consideration which demonstrates the fallacy of the argument. We have been told by the gentleman and his colleague [Mr. BLAIR] that the West drives a large trade with the South in agricultural products, to the amount of several millions of dollars, and that the North and East also participate in this trade, and yet the whole amount of their labor, being in cotton, tobacco, and rice, is consumed in foreign merchandise, for the gentleman says the market of this country is the most miserable in the world, affording them nothing worth naming. The inference is readily made, where do they, upon this view of the matter, find the means of taking these large supplies, if they consume foreign products equal to the amount of their whole labor? How do they pay for stock and provisions from the West, and for the produce from the North? Can any evidence show more clearly that the avails of labor are applied to this purpose, and that they are not all spent upon foreign merchandise? Can any proof show more satisfactorily that the South does not take dutiable articles in pay for their exported products to the extent represented, and that they do not consume such articles to the extent represented? On the whole, without enlarging upon this topic, it seems to be manifest that the South is no more burdened, as consumers, than all other portions of the country, and has as little occasion to complain as any other region.

Having pointed out what I consider some of the leading errors in the opinions and reasoning of the member from South Carolina, I now come to a very interesting and important portion of the matter in debate. I have hitherto met his arguments, and examined them, as if it were a question on whom the burden of taxation is devolved by the impost laws; and having, as I believe, established the fact, that, so far as duties operate as taxes, the South does not participate beyond its just proportion, I shall now proceed to point out what appears to me to be the operation and effect of the revenue system.

The great cause of complaint has been, that these laws, by imposing duties on imported goods, raise the price, and subject the consumers to a tax, because it is said that a duty is a tax; and, if it has the effect imputed to it, I agree that the assertion is well founded. As complaint has identified itself mostly with cotton and woollen fabrics, I shall confine my remarks principally to them.

We manufacture these articles; and the argument is, that not only foreign fabrics, but our own, are increased in price equal to the amount of duties. But nothing can be more evident than the falsity of this reasoning, in its general application; for cotton cloths are daily sold in the market for from six to eight cents a yard, which, if imported, would be subject to a duty of thirty-five cents the square yard. It would be difficult to persuade a man that he pays a tax of thirty-five cents the yard, when the article costs but six cents. This remark is applicable to a large portion of our manufactures, and shows how inattentive to matters of fact gentlemen are, who declaim against duties as onerous taxes.

If duties are taxes, the fact is capable of clear, demonstrative proof; for if a duty of a dollar a yard be levied on cloth, it will immediately be worth a dollar more, and every one who buys will find himself paying the tax, provided such is the effect of a duty. Yet, easy as it seems to be to adduce such proof, no gentleman has ever hazarded the attempt to do it; but all have contented themselves

with asserting, and on all occasions reiterating the assertion, that duties are taxes, grievous, burdensome taxes, grinding down and oppressing the poor, and robbing the rich.

There is good reason for this, as no such proof can be adduced. We have experience in this matter, which will afford much useful instruction, if we but listen to it. I shall go no further back than 1824, when the complaints, which have reached to this day, began. The tariff of duties was then increased, and it was then insisted, with prophetic confidence, that goods would rise, and the law bear upon the public with grievous weight; but time proved that the prophets were not inspired, for goods declined, notwithstanding the duties, until they were sold at prices ruinously low.

Then came the much abused law of 1828, which I do not approve of in all respects, and the same desponding tone was again heard—the same misery and ruin from taxes were again depicted in strong colors; but history again run counter to prophecy, for goods fell, instead of rising, and were never known so low in the market, as during the last year. These are strong and very conclusive facts. If they fail of producing conviction, as I have no doubt they will, it is in vain for me to attempt the hopeless task of doing it, for there will be unbelievers.

Taxes are a popular theme; the very term itself excites jealousy, and often resentment, for great efforts are made to establish a conviction in the public mind, that the people are laboring under heavy burdens where none exist, and they are often called upon to war against their best interests, under the delusive hope of bettering their condition. This may account for much of the complaint we hear, though I entertain no doubt of the sincerity of gentlemen from the South, who oppose the tariff on this floor.

As they charge us with false reasoning, when we assert the competition of our manufacturers with foreign productions reduces the price, instead of burdening the consumer with a tax, I shall proceed to show that such is but the natural operation of the protecting system, and that those who assume that duties are necessarily taxes, are in deep error.

Labor lies at the bottom of most human affairs. All property, no matter by whom possessed, nor to what use applied, is the fruit of labor. The rich are made so by amassing together the earnings of those who toil from day to day. It is now a period of general peace and plenty; provisions and merchandise are abundant and cheap beyond former example, and yet there is much distress and embarrassment; we hear, by every arrival, of the money pressure in Europe, and we have felt it here. Many are perplexed to understand this state of things; but if we go back, and trace the history of events, we shall find there is no mystery in it. From the commencement of the French revolution forward for twenty-five years, Europe was involved in a succession of disastrous wars. She had armies and navies, numerous beyond all former example, fed and sustained at the public expense, while they devastated the country, and destroyed the property of individuals.

The peace of 1815, which restored general repose, disbanded by far the larger portion of these troops, put a stop to demands for new levies, and those who had been fed and sustained by the labor of others began to work for their own support. In this way the laboring population was greatly increased, and the annual products of labor were greatly multiplied. The natural effect upon the markets of the world is precisely what we have witnessed. The increase of production in all branches of industry has overloaded the market with almost every kind of thing to which human labor applies itself, and the value has fallen, and fallen upon a principle familiar to every boy that sells eggs from his basket, or tape from the counter: when an article is abundant, it is cheap; when scarce, it is dear.

Let us now bring these facts home, and see in what manner they have borne upon the affairs of this country. During this long and destructive war, our country was a

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neutral power, and the unnatural state of Europe threw into our hands a great and profitable trade, which took off our agricultural produce at great prices, and the nation advanced in wealth and power beyond example. Our workshops were then in England, and we paid her laborers for most of the manufactured articles we purchased. We gave her the best market she had for her surplus products, and paid extravagant prices. The gentleman from South Carolina has told us that England sustained herself, in this contest against the world, by disbursing annually a hundred millions of public money, which gave vigor and activity to business; but all the advantages derived from that source must have been far short of the value of her trade with us. She drew from us a large share of the resources by which she subsidized Europe, and maintained herself against the almost undivided front of that continent. Her population labored for us, and took from us the money to pay the heavy taxes imposed upon them. Yes, sir, the United States, by giving employ to the laborers of England, contributed largely, very largely, to build up the power and wealth of that enterprising country, and it may well be doubted whether she could have sustained herself through that arduous conflict without this resource.

The peace of 1815 constitutes a new era in our affairs. The controlling influence in the trade of the world, which the chances of war had thrown upon us, perished when repose was restored. Nations, whose affairs had been deranged under the wasting influence of war, and whose citizens had sought a precarious existence, where it could be had, returned to the cultivation of the earth, and resumed the arts of peace. The ocean expanded its bosom to receive them, and channels of trade, which had been obstructed by British power, were opened, and business renewed. The commerce and traffic which we had enjoyed under an unnatural state of things, was now transferred to its rightful proprietors; and those whom we had fed with the products of our soil now began to feed themselves, and we were driven back upon our own resources, and the trade which grows out of them.

We have become manufacturers. I need not detain the committee to point out all the operating causes which have brought us into that business; but it is well known that the policy of this Government has been such, that our destiny in New England could not be avoided, and we have been forced, I believe I may say against public sentiment, into that employment. The Government, by a series of measures, beginning as far back as 1807, has brought us to the position we occupy; and the policy cannot now be abandoned, without producing a shock that would prostrate the community. If earlier events had not given rise to manufacturing, the peace of 1815 probably would: for, while other nations shut out of their markets the agricultural products of two-thirds of the Union, I am not able to comprehend how the population can exist if they are all farmers, for labor must be divided to supply mutual wants.

We are manufacturers as well as farmers—that is our present condition; and what is the effect produced by our labor upon the price of such articles as we fabricate? Here is the great point in controversy. Those opposed to us say they are dearer, and complain of the burden; we think there is little cause for this complaint, and believe that every one who examines into the subject with candor, having a single determination to reach the truth, will soon be convinced that the doctrine which is maintained, that duties are necessarily taxes, is a radical error. I desire that the matter should be seen as it is. We manufacture woollens, and so do the English. They supplied both their own and our demands until we began to clothe ourselves. The peace has increased their number of laborers in all branches of industry, as is admitted by the gentleman from South Carolina, and of course the amount of goods annually produced is increased. While this

process has been making its way in England, we have invested a large capital in the woollen trade also, and now employ probably more than a hundred thousand laborers in the manufacture of woollen cloths. Nothing can be more evident than that the increased labor of England, combined with our own, must greatly augment the amount of goods thrown annually into the market. What is the effect? The markets are filled to repletion, and prices fall. And why do prices fall? Because an increased consumption is required to take off the supply: a man has ten dollars, which he can spare from his earnings to buy this kind of cloth; if it will buy only five yards, he must content himself with that; but if it will buy ten yards, it contributes more largely to his comfort and happiness. This illustrates the ordinary operations of business. As prices decline, consumption increases, because the public have ability to buy more. What I have said of woollens is equally applicable to cottons, leather, hats, glass, and all the other manufactures, which employ a large portion of our population. It is the increased number of laborers, and the increased supply of goods, which forces the value downward; and the same principle has been operating upon agricultural products, until it has brought them down where they are, and the value of land with them. It is plenty, and not want, that oppresses the world; it is the want of markets, and not the want of merchandise.

While English labor is at work with great activity, ours is no less industrious. It matters not with what power our labor bears upon theirs, because they work, as the gentleman from South Carolina says, for bread, and must work on, or starve, if wages run down to a penny a day; and the less pay they get, the harder they must work to support themselves. A pressure upon them, therefore, by severe competition, diminishes the value of capital and labor, but does not tend materially to diminish the quantity of goods annually made. There can be no new division of English labor. They have no wild lands to flee to, as a refuge from starvation; nor can they drop one branch of manufacturing, and enter into another, to any great extent, for the value of labor has as strong a tendency to equalize itself, as water has to come to a level; and the operation of this principle has already filled all employments. They cannot therefore stop manufacturing woollens or cottons, whatever may be the pressure felt from our pursuing the business, so long as the employment will give bread to the laborer; all they can do is to sell goods cheap, by reducing the price of labor, and realizing less profit on capital. Their destiny is fixed, and they must be our competitors. There is no mystery, therefore, in the decline of cotton and woollen goods. The acting principle is the same that reduces the fare in opposing lines of steamboats and stages. It would scarcely have been credited a few years ago, that the fare of a passenger from New York to Albany would be reduced from six to one dollar, and the business be continued; nor would a prophet have gained credence, who, ten years ago, should have foretold that cottons would now be purchased for six cents, as good as were then selling for twenty-five cents.

He who can understand that ten men can perform more service than five, need not be at a loss for reasons to explain the decline in the value of cotton and woollen goods. It is the competition of labor—the increased production of the article—a competition which English labor cannot shun, and which they must be content to meet under every disadvantage, unless they and our adversaries here can succeed in breaking down our manufacturers.

This is, I hope, a plain and intelligible view of the operations of manufacturing in this country; and I leave gentlemen to settle the question for themselves, whether the system of revenue is a system of bounties and taxes, grinding down the poor, and robbing the rich, as has been represented.

I will now ask the attention of the committee to another view of the subject. The doctrine advanced by the gentleman from South Carolina is very broad and comprehensive: It aims at an entire revolution in trade; for he proposes to appropriate the markets of this country to the use of the planter, to enable him to sell such merchandise as he may receive in pay for cotton, rice, and tobacco. It of course, aims at the destruction, not of cotton and woolen establishments alone, but of all manufactures, or his object will not be attained. The purpose seems to be to drive home competition out of the market, to give place to foreign goods, and this cannot be accomplished short of the destruction of manufacturing—for while we continue to make goods, we shall be competitors for the market. Suppose the object of the gentleman should be accomplished, and all the population engaged in the manufacture of cotton, wool, hemp, leather, furniture, salt, nails, cutlery, and the numerous other branches which I need not name, should be turned out of their employments, and forced back upon the soil for subsistence, and all the capital employed in these arts should be sacrificed! What would be the effect upon the trade and prospects of the country? The first effect would be to depopulate the North; for when these occupations cease, the farmer will cease to have any object to cultivate the soil, as he will have no market for the products of his labor. And I can assure the gentleman from South Carolina, that, if the South were to have undisputed possession of our market, under such circumstances, they would have but a miserable prospect of thrift in it, for we should have no means of paying for their imported merchandise.

The next obvious effect would be to diminish the number of persons and the amount of capital engaged in manufacturing; for, while we dismiss all our own population from these pursuits, England cannot increase the number of her laborers. All who work for a living are obliged to labor now, and to the utmost extent of their power, because labor is cheap, and hands that work for bread cannot be idle. There would therefore be a clear diminution of laborers, equal to the number of persons engaged in such employment in this country. It follows, that a less quantity of goods would be produced, and prices would rise, while our ability to buy would be diminished, because our labor would cease to be productive. If the gentleman from South Carolina imagines the South would reap such profits from this state of things as has been represented, he is mistaken, for another reason. If his policy makes labor and capital of no value in one part of the Union, while it may be employed to great advantage in another, the population he oppresses will, in self-defence, and from necessity, become competitors for the profits of a good business. The labor and capital of the North and East will be carried into the business of the South, until cotton, rice, and tobacco are brought as low, by over-production, as other agricultural products; for labor in one branch of business can never maintain an ascendancy in profit over others for any length of time.

Again: If the revenue system is to be overturned, the effect will probably be as deeply felt by the sugar planter as any citizen of the United States—for no one feels a stronger dependence on a protecting duty. Suppose that interest should fall a victim to the policy, would it bring with it no injurious consequences to the South? Is it not well known that the production of sugar gives an increased value to slaves, because it opens the best and almost the only valuable market for that kind of property? Gentlemen can judge better than I can, how much their property will suffer; but, if I am rightly informed, the overthrow of the sugar planters would be more deeply felt than any operations of the tariff.

I have already expressed a belief that the state of things which seems to be so earnestly coveted would probably raise the price of goods—because the number of laborers

would be diminished, and the quantity produced be lessened. How would it be with cotton? The causes which would diminish goods, would tend to increase the quantity of cotton annually produced. Under the change of policy, the labor of the South would not be diminished, while that of other portions of the United States, being thrown out of business, would seek employ where it could realize most profit. If sugar should not be cultivated, then that district of country must grow cotton; all the cotton now consumed in our manufactures would, in addition, be sent into the markets of Europe. These causes combined would greatly increase the amount of that article exported annually; and, if the aggregate of cotton is increased, while the aggregate of goods is diminished, the inference is obvious: the price of goods would rise, while the price of cotton would sink.

Suppose, then, I repeat, that the deadly blow which this policy aims, should fall upon us, our factories should stop, and the business of manufacturing, in all its various kinds, and with its thousand ramifications, should be brought to a perpetual stand, and the vast population which live by it, and give life and joy to the whole community, should be driven, as they must be if you take away the power of earning food, back into the wilderness, upon savage life, to sustain a precarious existence—what benefit, I ask, can result even to the South by this process of desolation? The inquiry is not put with the hope of convincing any one of the folly of pursuing such a policy; but there is much in it worthy of attentive consideration, as it touches very nearly the interests of gentlemen who seek to drive competition from our markets, by placing them under the control of foreign industry. I beg of them to examine the matter with candor, and decide for themselves whether they do not mistake their own interests.

Cannot gentlemen find other causes for the depression of business besides the tariff? If the value of lands, or the value of produce, or of any other property, declines, it is immediately ascribed to the revenue system. Every thing evil, and nothing good, is imputed to the laws. The gentleman from South Carolina has gone so far as to assert that the fall of property is a tax springing from this source. But I cannot learn that property in the South has declined more in value than elsewhere. It has experienced a great depression in all trading countries, and the cause is obviously over-production from the great activity of labor. If goods and produce fall, land and other property must follow.

I can find an easy and satisfactory solution of the depressed value of cotton, without charging it upon the tariff. In 1818, we exported ninety-two millions of pounds to foreign countries, and the amount has gone on increasing, until, in 1827, we exported two hundred and ninety-two millions of pounds. I have no account of the two last years, and therefore cannot speak of them. While in this period of nine years the exports have more than tripled, we have greatly increased our own consumption, by multiplying our factories. In addition to this, the quantity produced in Brazil, Egypt, and other foreign countries, has been much augmented, so that in truth the market is glutted with the article; and it is rather matter of surprise that it maintains itself where it is, than that it has declined. The raw cotton has, for the last three years, varied very little in value, while cloths have fallen from ten to five cents the yard. Can the planter see nothing in all this but the withering influence of the tariff? Can he not comprehend that if the supply outruns the demand, the article must sink in value, and that the fall is not the work of the tariff, but his own work?

I may as well here notice another statement of the gentleman, which I thought rather extravagant. He said that Mississippi paid a tax into the treasury of the United States, under the revenue system, of twelve hundred thousand dollars annually; and, in another part of his argument, he informed us that she exported to the amount of three mil-

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lions of dollars, and that slave labor was actually worth but twelve and a half cents per day. If he allows one-half of the whole population of Mississippi to be in the field, it would just about pay the tax, and no more. I make no comment on the statement.

Sir, what is the revenue system, and what are its objects? It is well known, to every statesman at least, that it is the leading policy of the great trading States of Europe, to impose heavy duties on all the products of industry matured by their own citizens. The object is to secure to the working population the means of subsistence. England, for example, imposes duties on foreign bread stuffs, which exclude them from her markets under ordinary circumstances, that her own farmers may have the benefit of feeding the nation. She also imposes a heavy duty on silk, that her laborers may make it; and in this manner she watches over the laborer, to provide, as far as she can, for his necessities. Such, also, is the policy of all the great States. How are we to meet it? How can we buy goods, if they will take none of the products of our labor in return? How can the farmer of the north, the west, or the middle States, buy, if he cannot sell? What is to become of him if the home market be destroyed, and he be put to depend on these foreign countries for the sale of his produce? He cannot live under such disadvantages, and is obliged to look to a beneficent and parental Government for protection. He asks for no bounties for any one—no corn from the public crib, as the gentleman intimated, but merely that this Government may so far interest itself in the fate of the people, as to countervail the policy of other nations, which in its operation is designed to bear favorably upon their own labor, but injuriously on ours. He asks that the wasting influence of the laws of other States may not reduce the laborers here to beggary. He asks of a Government distinguished above all others, because it is free, and emanates from the people, that regard for popular interests which no despotism dares refuse its humblest subject. This is the revenue system—the tariff system—the protecting system.

What is the free trade system? as it is called, by misnomer, for it has been more appropriately denominated "the fetch and carry system." Its aims are high, and its scope is broad, if I have rightly understood the gentleman from South Carolina. He does not complain that the South are not left at liberty to raise as much cotton, rice, and tobacco as they please; nor does he complain that they are not at liberty to send it where they please, and to sell it to whom, and when they please. No, sir, the laws of the country leave them as free and untrammelled as the air, on all these points—but this is not enough; and they complain of wrong and injury, nay, threaten us with resentment, because they have not the entire market of the United States to sell the goods in, which are received in pay for these commodities. They complain of the competition of American industry, because it supplies a portion of our wants with manufactured articles, and takes up a part of the demand. They would have the whole to themselves. The planters would apply to their own benefit the entire resources of the country, by compelling us to buy the goods they would furnish to us, instead of working for ourselves. They give a preference to English labor, and would have us work with axes and spades from English shops. They aim to build up the cotton, tobacco, and rice interests, at the expense of the rest of the nation, to make nine millions of people bow down to three millions, to constrain us to give up the market to them, and ruin ourselves, that they may try an idle experiment to see if they cannot obtain a larger price for cotton. God has given them a monopoly of these articles, so far, at least, as respects us; but with this they are not content, and insist on a monopoly of the market throughout the United States; and because we resist this grasping disposition, we have been called by the gentleman from South Carolina

despots, avaricious, grinding monopolists, as merciless and unrelenting as the cannibal, who turns a deaf ear to the cries of infancy for mercy. Yes, sir, the gentleman has loaded us with these hard, unkind epithets, and has reiterated them in many forms in the course of his remarks.

Sir, I declare, in the sincerity of my heart, that I feel deep pain and anguish when I hear such language on this floor, because its tendency is to excite deep feelings of resentment in the injured party, and to promote sectional hostility. It pains me no less to be obliged to notice it; but, sir, if I could pass by such language in silence—if I could sit here without repelling it, I should be unworthy of representing the people who sent me here, and unworthy of the State to which I belong. If gentlemen will provoke us by attack, for one I shall not refuse to meet it; if they will assail us with calumnious epithets and comparisons, let them not flinch when the mirror is held to themselves. In what I say, however, I have no personal allusion, for I number many southern gentlemen on this floor among my most esteemed acquaintances. Nine millions of despots and monopolists, more cruel than any tyrant that ever disgraced a throne, because less merciless than cannibals! Who is it that bandies such language? Who is it that calls the honest tiller of his own land, and the laborious manufacturer, relentless despots, guilty monopolists? He who holds dominion over his thousands of acres and his thousands of slaves. He who, not content with a part, arrogates to himself the whole resources of the country, and stuns us with the cry of oppression, because we will not consent to be ruined by an overpowering monopoly, under the delusive guise of free trade. It is, as the gentleman was pleased to say of the manufacturer, the "lordly" planter. It is he that maintains, as I learn from high authority, (speeches of MESSRS. ROWAN and HAYNE,) that slavery is favorable to liberty, because labor degrades the human mind, and so assimilates men to a state of bondage, that none but those who bask in the sunshine of luxury and ease can appreciate liberty.

The "lordly" English merchant and factor, the trumpeters of free trade, with their insolent parade of wealth, and their feet, as the gentleman from New York [Mr. CAMBRELENGE] says, upon the necks of their own people, come here to join in the cry of aristocracy, monopoly, and despotism! They come here to lift their voices, with the gentleman from New York, [Mr. CAMBRELENGE] against the honest laborer, and to tell him, in scorn, that his principles are in his pocket, and his conscience in his purse. Sir, if you would excite loathing and disgust in the minds of the men who went from the plough, the anvil, and the bench, to meet oppression at the very threshold, and who achieved the independence of the nation, tell them they know not how to appreciate liberty, because labor degrades their understandings. If you would teach their posterity to hate and despise you, compare them with your slaves; tell them their condition approximates to bondage; rouse their indignation with calumnious taunts and unjust reproaches, and you will accomplish your purpose; for they are men, and have the feelings of men. I will not follow examples often set here, by calling them generous, chivalrous, and magnanimous; for they want no soft words from me—they know their rights, and how to maintain them, and this is the highest commendation language can bestow. This people have been kind and generous to me, and I will not, cannot, requite it with ingratitude. I lament that any thing should have occurred to call for these remarks; but I should fail of the duty I owe to my constituents, as well as to my State, to sit here in silence, and hear them calumniated—to hear them called monopolists, because they insist on the right of this Government to protect its citizens—to hear them stigmatized as tyrants, because they refuse to return to colonial bondage. The gentleman from South Carolina labors under great misapprehension, and, when he comes to be better informed, will abandon the unjust sentiments

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he has uttered on this and another point, which I will also notice.

He has said that a few manufacturers send members here, and that the great body of the people are mere instruments in their hands. Can the gentleman be serious? Does he believe the people of New England, whom he thus stigmatizes, are reckless of their political rights and privileges? Sir, I have never seen a people who could more justly treat with scorn this contumely; they are as free and independent as the air that sweeps over their native hills. Show me a capitalist who attempts to influence an election by the power of wealth, and I will show you a proud spirited people, that will brand him as a wretch, and hiss him from the community. We are unlike some other portions of the country—we have no captains of tens, twenties, or fifties, who lead men to the polls, and direct them how to vote; the people scorn such degrading influence, and pay no such price to be in the employ of any one. He has said the people are ignorant, acting under delusion, because they read little, and only on one side of the question. Does he not know we have been forced into our present attitude, against our prejudices and prepossessions? Does he not know that many of the most approved productions against the tariff have been written, and published, and read, among us? He nods assent. Does he not know that we are the most reading people in the United States, and that all questions are canvassed and examined with the greatest freedom? If he believes we do not read both sides, and do not understand what belongs to this policy, he is greatly in error. It has always been a topic of earnest and careful consideration, and is supported from a settled conviction that the country would fall into decay, if it should be subjected to such a policy as the gentleman aims at.

The gentleman has told us that there is one small factory in his district, and he verily believes, if there were another, it would turn him out of his seat. Sir, when he spoke of the influence of capital in the North, I fear, to use a homely adage, he measured the corn of others in his own bushel. If two factories will revolutionize his district, I will not do his people the injustice to say it is the influence of capital, but leave the world to decide whether it will be that, or a practical argument, dispelling prejudice, and converting men from error, by the power of truth.

Sir, much has been said by the gentleman from South Carolina and his colleague [Mr. BLAIR] on other topics, which have not the remotest connexion with the measure before the House. I heard, and regretted to hear, arguments, which appeared to me to touch, rather roughly, the integrity of the Union; but it is not a question before us whether we shall maintain or dissolve the Union. The constitutional power of this Government to pass laws to protect our industry, has been denied. On a former occasion I delivered my sentiments on this topic; and, being satisfied that the power is not only clearly given to the Government, but that it was one of the principal objects, in adopting the constitution, to lodge this power in the Government, I shall not go into the question, for an argument would necessarily be a repetition of what is now before the public. I shall, therefore, forbear any comment upon such arguments, and conclude by thanking the committee, with great sincerity, for the very kind attention they have bestowed through the whole of my remarks.

Mr. CRAWFORD, of Pennsylvania, followed on the same side, and spoke about an hour, when he suspended his remarks.

WEDNESDAY, MAY 5, 1830.

NAVIGATION AND IMPOSTS.

The House resumed the consideration of the bill reported by Mr. CAMBRELENG, from the Committee

on Commerce, on Friday last, concerning navigation and imposts.

Mr. WAYNE resumed his remarks on the subject, and addressed the House during the remainder of the hour allotted to the discussion of reports, without concluding.

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On motion of Mr. MALLARY, the House then again went into Committee of the Whole, Mr. POLK in the chair, on the state of the Union, and took up the bill in alteration of the several tariff laws.

Mr. CRAWFORD, of Pennsylvania, addressed the committee near an hour in conclusion of the remarks which he commenced yesterday. He remarked, in the commencement of his speech, that it had been often and truly said, that no human enjoyment was without an admixture of something which lessened the gratification it would otherwise yield. To nothing is this remark more applicable [said Mr. C.] than to our political condition. Living under a Government of our own choice—an essential feature of which is equal representation, and a voice by each free-man (with such local qualifications as have been prescribed) in the making of those rules by which all must be governed, discontent has, nevertheless, at every period of our history, since the adoption of the constitution, existed in some section of the country. Its earliest ebullition was in my native State, where a scene was exhibited, that I hope and trust may never again be found within her limits. On more than one occasion the northern and eastern portions of the United States have murmured their dissatisfaction audibly, nay, spoken it out plainly; and at still later stages of our existence, our southern brethren have held the language of complaint boldly and fearlessly; have asserted what they believed to be their rights with characteristic ardor and frankness, which I am so far from quarrelling with, that they strongly recommend to me the other high qualities with which they are found in association. A generous devotion to the interest of his own constituents, and a zealous adherence to State, so far as compatible with United States duties, will always commend a legislator to me. I want neither for my friend, nor the administrator of my country's affairs, either in an executive or legislative capacity, a man who has no community of feeling or of interest with those among whom he has grown from childhood, or in the midst of whom he has lived since his entrance upon life. From him who never looks beyond his own door, or who is content if the sky be serene for him, although it lowers upon others; who can look on calmly while the storm howls, and prostrates those near him, when an extended arm might shroud, or, if the attempt failed, it would at least console them, I desire to be far removed. While, therefore, I admire the warmth with which southern gentlemen maintain the positions they assume, I conscientiously believe they are mistaken in the views they take of the subject, and have glanced at one or two passages of our history, to show that they are not singular as relates either to the source whence they suppose their difficulties to spring, or (I say it with the highest respect for all my opponents on this question) the error under which they labor in making the allegation.

And here permit me to remark that I have heard it repeatedly asked in this Hall, by some of those who differ from me in opinion, "What! do we not understand our own interest?" And although it was not said, the idea was evidently intended to be conveyed, that we, of the middle and northern States, were not so well qualified to judge of southern interests. Perhaps it is true: so far as concerns myself, I admit it. But, sir, have I any choice? Am not I, in my proper place, in my representative capacity, bound to decide upon such questions as shall be, or have been raised? Further, sir, am I not compelled, as one of those charged with inflicting flagrant injustice, to stand by my conduct, and show that it is arraigned with-

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out reason? Having, therefore, a serious, and, perhaps it might even be called, in reference to the opinions of others, of whom I have made a high estimate, a solemn duty to perform, I may not, and, unless prevented by stronger than human powers, I will not, neglect it, but must proceed to state the grounds of my preference for the original bill, modified as may be deemed best hereafter, but preserving its principle and purpose, and my objections to the amendment of the honorable gentleman from South Carolina, [Mr. McDUFFIE.]

It has been, and it must be conceded, that, if the law stands as it now does, it should be rigidly enforced. No honorable gentleman on this floor will countenance its infraction: whatever our statutory provisions may be, they should be executed. It is disrespectful to the sovereign power; unjust to the revenue; faithless to the manufacturer; an encouragement of fraud; and a dereliction of duty, not to compel an observance of such regulations as the competent authority may from time to time enact. True of all laws, the remark is especially so of those which pertain to commerce, particularly that portion of it which belongs to importation, because they are most easily evaded. Facilities for eluding vigilance grow out of the extended nature of the business to be operated on; out of the facts, that it is transacted partly upon the ocean, and partly upon the land—in different countries, and requires numerous agents. Do frauds exist? If the interrogatory is answered in the affirmative, this branch of the question is settled.

It may be useful to ask here, by whom is the importing business of the United States now conducted? Not exclusively, but chiefly by foreigners. In New York, which may be called, without impropriety, the port of the country, there are but five importing merchants. By whom, then, are goods introduced? They are imported for account of foreign houses, and received by foreign agents. A young man arrives in America, fixes his abode in a boarding-house in New York; without any interest in our affairs; without making any contribution to our expenses; without any feeling in common with us; and with no desire but to get rid of as much of our import duty as possible. In a short time, a cargo of goods is landed, and taken possession of by him as consignee; which are disposed of at auction, the money received for them, and carried off, without the payment of the duties, which he has been unable to evade; for these rest in bond, until a second and sometimes a third cargo has been introduced; thus enabling the foreigner, who has defrauded the revenue, to trade upon your own capital; furnishing him the very means of injuring you, and agreeing to receive a deadly wound from an instrument that you place in the hands of your enemies. Sir, I believe the credit system, in respect of duties, should be abolished, or, at least, so modified, that the amount due to Government shall not be carried out of the country, to purchase other goods for the further depression and final destruction of home interests. But of that, more at a proper time.

The honorable chairman of the Committee on Manufactures, [Mr. MALLARY] and the honorable gentleman from Massachusetts, [Mr. DAVIS] have shown, conclusively I think, that the laws for the collection of our duties require revision. The very temptations held out by the existing system, lead men of weak principle to fall into the pit. By it, one package in twenty (act of March, 1823) is to be examined and appraised: what becomes of the residue? They are warehoused, carried off to Philadelphia, Baltimore, and other towns, or distributed through various shops in New York, and cannot be traced. Has a collector any authority to enter a warehouse or store, in search of these articles? None. He may enforce the penalty of the law; but that is his only remedy. The very fact that has been stated, of merchants or consignees refusing to receive twenty-five, thirty, and, in one instance,

sixty per centum advance on the invoice prices, proves that frauds have been practised. Do we not hear from these very men themselves, of more than one invoice of the same goods, and of cloths sold in Boston for five dollars per yard, which were imported as not worth one dollar? All the officers of the Government complain of the constant infractions of the law. The frauds perpetrated upon the revenue are enormous, depriving it of many millions per annum; and consignees and others are frequently made the ignorant and innocent instruments of these practices, by means of double invoices and papers. Does not every man see that the evil must necessarily exist, according to the present legal provisions? The imports of New York amount, nominally, to twenty-five millions of dollars; but really to forty or forty-five millions. Two appraisers are appointed to inspect these goods; can they do it? It is impossible they can examine the one-hundredth part of what they are enjoined to look at. I am supposing the best possible intentions and qualifications on the part of the appraisers, for I know nothing to justify the expression of a different opinion; but it is morally impossible they can go through what is required of them. These importations come like spring and autumn floods, sweeping all of duty and principle before them, and drowning in their course honest industry; as the prospects of the farmer and the artisan are often overwhelmed by the streams which rise above their banks, and desolate all within their range. At these seasons of influx, critical examination is out of the question by two men. You might as well attempt to stay the current of the North river, as to prevent the fraudulent introduction of goods, with your present barriers against dishonesty. They are so feeble, as to invite almost the efforts of avarice and cunning to a competition with the diligence and vigilance of your custom-house officers. Does not every day's observation prove that an inefficient agency, or an imbecile and ill executed system, is exactly what is most desired by those who disapprove of it? That, to them, it is better than a partial abolition or modification of the system? By seeming to yield to what is not, and cannot be enforced, they violate it with impunity, and make such inroads upon its wholesome but unfulfilled provisions, as to render it, in a great degree, useless.

Smuggling has been mentioned, and it is said our northern border neighbors understand this species of roguery. It is probable there is ground for the complaint; nay, I do not doubt that, to some extent, the evil exists; but those who are best qualified to judge, say it is not known or felt in business, and they are those whose wits are sharpened by their interests, and who, in the opinion of the honorable gentleman from South Carolina, [Mr. McDUFFIE] habitually, zealously, and devotedly worship in the temple of mammon—the manufacturers themselves do not attribute their greatest degree of injury to this cause, but to the evasions that the bill on your table proposes to prevent. To what extent soever smuggling exists, let it be arrested; I will join heartily in any measure calculated to abolish the traffic, and prevent its recurrence; but the crying evil, the one that those intended to be benefited arraign the most solemnly, is the one that the great mart of the country seems to cherish and nourish; an evil that demoralizes, while it does not enrich—that disgraces while it wounds.

One of the great interests of the country is differently injured—injured by what I cannot but deem a most erroneous construction of the laws by the officers of the Government. And here I mean no reflection upon any officer, and, least of all of them, could I intend any upon him who was lately, or on the gentleman who now is,* charged with the execution of the laws under considera-

* I have been informed that Mr. Rush put the construction from which I dissent, on the laws; and that Mr. Ingham, not feeling at liberty to depart from, has acted upon it.

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tion. They have, severally, I doubt not, discharged their public duties faithfully and conscientiously. All I design to say is, that either they have been, or I am in error; and it is no disparagement of either of us, to suppose a mistake. Iron, sir, is manufactured to a great amount in various parts of the United States, but in no part of the country is it now made to the same extent (an extent destined, in future times, to be almost without limit) as in Pennsylvania. It is there, and I do not doubt elsewhere, but there I know it is, smelted by men of as exalted characters and principles, as any other class bearing the name of American—whose reputations and deserts I would willingly compare with those of an equal number of gentlemen who hear me, for integrity, for patriotism, for intellectual endowment, for all the qualities that adorn and elevate our nature, and await the result of the comparison cheerfully and fearlessly, for they have no superiors. These respectable but aspersed manufacturers struggled long, and tottered under the embarrassments and difficulties of their business—many of them were obliged to stop—the few that lived out the darkness and gloom that preceded it, were encouraged by the light that shone upon their path in 1824—it revived the drooping, and raised the despondent—old establishments were resuscitated, new ones commenced—but it was not till the brightness of 1828 covered the land, that they moved cheerily on, and what was hope became reality, in the successful prosecution of a most valuable branch of domestic production, until a blight seized upon the crop when it was ready for the sickle, and the labors of the husbandman were about to be suitably rewarded, by a return for all his toils and anxieties. By the first section of the act of May 19, 1828, it is enacted that a duty shall be imposed “on bar and bolt iron, made wholly or in part by rolling,” of thirty-seven dollars per ton: provided that all iron in slabs, blooms, loops, or other forms, less finished than iron in bars or bolts, excepting pig or cast iron, shall be rated as rolled iron in bars or bolts, and pay a duty accordingly.” Of this law, one would have supposed that there could have been but one construction; the cupidity of foreigners, however, discovered that, by the first section of the law of the 22d May, 1824, manufactures of iron and steel, not specifically enumerated, are subject to a duty of twenty-five per centum ad valorem. But how, it will be naturally asked, could the law of 1828 be avoided, by a pretended compliance with the act of 1824? I could scarcely have believed it, sir, but it is stated upon authority that cannot be questioned, that bar iron, through which a few holes were perforated, as is done in the case of wagon tire, or the plates used on railroads, costing nothing, and having no just claim to be considered as a manufacture, has, nevertheless, been so imported and entered, and been so recognised by the proper department. What is the effect of this? Instead of paying a duty of thirty-seven dollars per ton, under the law of 1828, the iron is introduced as a manufacture, under the provision of 1824, and, costing less abroad than twenty-eight dollars per ton, pays a duty of twenty-five per centum ad valorem, or something short of seven dollars per ton. Is not this virtually repealing the act of 1828? What is a manufacture? It is something made by art; an article fashioned, as the word imports, by the hand of man, and to which the chief value is given by the labor bestowed upon it. Will any gentleman who hears me, contend that striking a few holes through a crude bar of iron makes it a manufacture, within the meaning and intention of the law of 1828? Sir, it is a perforation of the law itself, so to construe it—amounting to a setting aside of legal enactments, in my judgment, instead of an enforcing of them. Although, perhaps, not strictly regular, at this stage of the bill, I could not say less on this particular subject than I have done. In due season an amendment will be offered, that, I trust, will correct the evil.

Believing that all will coincide in the wish to execute existing laws, and that enough has been shown to call for the proposed legislative interference, I will endeavor to lay before the committee some of my reasons for thinking that the amendment submitted should not be adopted.

I regard the simple question at issue to be, whether we shall employ and sustain our own countrymen, or look to foreigners for a supply of our wants. Whether we shall cherish those of our own blood and lineage, or foster others, who are alien from our family, careless of our happiness, and averse to our interests, and who will, probably, serpent-like, when warmed in our bosom, pour the deadly poison into our veins.

One of the most useful maxims that any statesman can lay down for his government, is that one which admonishes him not lightly to disturb any settled course of policy, but to turn aside legislation from its accustomed channels, without some overruling necessity; and, when great interests have been engrafted on the measures of the Government, to adhere steadily to them, until time and experience shall bring their results to prove what true wisdom requires of us. This maxim, acted out, will negative the amendment; and acted out I solemnly believe it can be, with the fullest and most sincere regard to the interests of those opposed to the protection system, for I do not despair of satisfying even some of them that the injuries they charge us with inflicting on them are not wrongs, but misfortunes growing out of causes beyond their and our control. For a series of years, but particularly since 1816, the policy of the country has been regarded as fixed; act after act has proclaimed to the world, and to those immediately under our Government, and subject to its regulations and restrictions, that we would encourage the growth of what our various climates would yield, and the making of what the industry and skill, the ingenuity and enterprise, of our fellow-citizens could furnish. To them a cheering voice has been extended, that gently whispered the persuasive language of our early measures, which has been gradually increasing its volume since, until, in our late, and, as I think, happier day, we have spoken in a tone so loud and strong, as to reach every settlement and hamlet, and to invite all whose means, whose habits, whose pursuits and interests might be thereby bettered, to embark upon the voyage, which it was calculated would return the adventure risked, many fold increased. They have listened to the invitation, and have not been deceived; all that was predicted of the golden harvest, has been realized. Millions of money, and millions of human beings, hang upon the hitherto unbroken faith of the Government, pledged by the various laws alluded to. The entire country, north and east, and a portion of that west of this spot, depend, for all of competence and comfort that belong to them, on the preservation of the present system. And here let me request honorable gentlemen to disabuse their minds of the idea that manufacturers are the lords of the land, the aristocrats of the country, who, rioting in prosperity, refuse to relieve the poverty and distress they create but do not feel—whose thirst for wealth even the sufferings of their fellow-citizens cannot allay, and who, it would have accorded well with the opinions of some gentlemen to have said, feasted like vultures upon their prey, with a voracity of appetite that refused to be satiated—who live upon groans and misery, and smile while the writhings of agony, and the distortion of despair, are turned imploringly to them. They are (excepting a few men of wealth, not so numerous, I presume, as those in the same circumstances among their more fortunate brethren, of the South) gentlemen of small moneyed capital, but possessing an abundant one of skill and industry, and enterprise and character, who, so far from having found the mines of Potosi in their manufactories, require to be upheld by the fostering hand of Government, without which they must sink. They, I say it with great respect, and

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without disparagement, are equal in all regards to their southern friends who pursue different occupations. They acknowledge no superiors, nor do they arrogate to themselves the right of dictating to their fellow-citizens. They do not send gentlemen to this Hall, as the honorable member from South Carolina [Mr. McDUFFEE] alleged, who, instead of representing the intelligence, and integrity, and patriotism of their districts, stand forward as the champions of capitalists and their interests. The gentleman is wide of the fact. I thank God that moneyed interests have no such influence in our elections as he seems to suppose. Two cotton factories, if I understood the gentleman right, would, in his opinion, control the elections of his district, in despite of himself and every man in it. I cannot dispute with him about what he is necessarily well acquainted with. It must be so. I cannot but conclude his remark is just of South Carolina; I know it is not of Pennsylvania—I do not believe it is of any State north or east of it. In my own district there are about ten manufactories for the production of iron, as many of woollen and cotton articles of various kinds, a number of which yield to the public use and convenience every kind of iron implements, extensive distilleries, &c., and yet I have never heard, nor do I believe, nor do I think one man in the district believes, that these establishments enable their proprietors to exercise any undue influence in elections; certain it is, they have never controlled them, for, with few exceptions, they have always been in the minority. No, sir, without intending the slightest disrespect to any one, I must be permitted to say, that, however inferior we may be in capacity to serve the country, we will yield to none in purity of intention, and directness of purpose. We mean to advance the interest of this people, and will try to effect it. I will here further remark (for this part of the debate is disagreeable, and I should find no pleasure in recurring to it, but am desirous of disposing of it as quick as possible) that it is said no man could be elected President of the United States who was believed to be opposed to the protecting policy: without answering the proposition after the New England mode, as I might very justly do, by asking if a gentleman friendly to the policy mentioned would receive the votes of the anti-tariff States, I will say that I know of no method of determining the choice of this high functionary, so proper as that which shall base it upon his principles and opinions in reference to leading questions; it is the only foundation upon which any statesman can act with safety; but I would not confine myself exclusively to this ground of preference. The man must be joined to the principle—principles and men are the true ground. Give me a man of the principles and opinions I approve, and I will sustain him, provided he be such a one as I can rely upon to carry them into action. Upon what else shall we rest, to assure us that our selection is judicious and wise? Upon personal preference alone? Never. When you meet with sentiments and principles, and for their sake love the individual in whose character they are embodied, confide in him—elevate him—exalt him to the point whence they shall be drawn into exercise, like so many radii from the centre to the periphery of the circle, giving strength, and vigor, and health, and life to the entire community—sustaining all through whom they pass, even to the uttermost point of the circumference.

What, I ask gentlemen, and I request them to reflect seriously upon it, what would be thought of any Government that would lead its citizens to embark in any project—that would induce them to engage in a particular course of business by its persuasions, by its acts, by its words, and then coldly abandon them to a fate which it had made inevitable, by withdrawing the pillar that upheld them? Might not they, or one of them, hold the following language to a Government thus fitful and giddy: “I was engaged in a pursuit that would not sustain me: I was about

to abandon it, and give my attention to some one more profitable, but you interfered, and lured me to my ruin. You not only counselled me to persevere, but, by your promises of assistance, induced me to enlarge my expenses; nay, more, you assisted me for a season, and when I had every reason to suppose that your aid would be at least continued, if not increased, you withdrew your friendly hand, and suffered me to sink to a depth infinitely lower than that at which you found me.”

The duty on cotton cloths has varied but little. In 1816, it was fixed at twenty-five per centum ad valorem for three years; and twenty per centum afterwards, while those fabrics composed of cotton, or of which it was the chief component part, (with the exception of nankeens,) that did not exceed, with the addition of twenty per centum if imported from or beyond the Cape of Good Hope, and of ten per centum if from any other place, twenty-five cents per square yard, were to be taken as worth twenty-five cents, and charged accordingly. The law of 1824 varied this no further than to extend the fixed or legal price to thirty cents, nor was any other alteration made by the act of 1828, than to place this statutory value at thirty-five cents. Throughout all this period, the sum at which cotton twist, yarn, or thread was rated, has remained exactly the same. This branch of the system surely cannot be justly complained of, the increase has been too trifling to be felt, and the price of cotton was high and satisfactory, I believe, after at least two of these laws were passed, as I shall presently show.

The iron business is next in order, and is as important as any occupation in our country, diffusing itself rapidly; and, if the present system is adhered to, calculated to be as extensively useful as any pursuit that can engage the attention of our fellow-citizens. Something was absolutely necessary to be done in maintenance of this interest; the law of 1816 was of no benefit; the act of 1824, of some, comparatively, but still inadequate; that of 1828, if enforced according to its spirit and meaning, will probably answer the end designed. That this species of manufacture was a losing concern before 1828, is certain; now it affords a moderate remuneration only for the capital employed, and labor bestowed; and, while it does so, no man is injured, for the price of iron remains as low as formerly, I mean American iron. How is this? The foreign article is in a great measure excluded, our own citizens have the market, and by their competition keep down the price, which will be still further reduced by the new and rising factories. Our own product, which is better suited to most purposes, is now lower than it has been at some periods heretofore, because, in addition to the competition, the price of labor, of provisions, of every thing that enters into the manufacture, is reduced. Admit the foreign iron on equal, or nearly equal footing, and the grinding oppression of European Governments, which wrings from the brow of industry the sweat of a bare subsistence, which expresses from the heart of shivering poverty almost its last drop of blood, will not be confined to their own miserable subjects, but be made to extend in its operation, to reach indirectly to our firesides, and to bear upon my friends and countrymen. To this I will never assent.

The duty upon wool and woollen goods is next brought under review. This, too, is a great interest, affecting in its ramifications almost every class of the community. The wool, which the farmer grows, sunk, between 1825 and 1828, from forty to fifty per cent. The depreciation was owing to the low price of cloths. This circumstance also puts it out of the power of the manufacturer to give more than a certain sum for the raw material. To give any value to the imposition of a duty, it became obviously necessary to furnish the farmer a market for his wool, which could only be done by taxing the importation of foreign cloth. They must go together, or neither is useful. If you say

to the foreigner, you shall not sell your articles in our country, unless you pay for the privilege, you enable your own manufacturing citizens to become the purchasers of what your farmers can produce; and thus each branch of industry flourishes by the aid it receives from, and affords to, the other; nor are the rights of any infringed. An unnatural effort was made in 1826, 1827, by those whose rivals we are, at the sacrifice of vast sums, to prostrate our infant manufactories: in other instances, the sacrifices were made to save themselves from impending ruin; for a season, it might, therefore, appear that our home prices were enhanced; but I firmly believe, if you could annihilate every manufactory in the country, you would pay more for your consumption than you now do. The importer would be without competition, and fix his own price.

Sir, the manufacturing districts furnish the best market the grain-growing States have. The flour of Pennsylvania and Maryland, New York and Ohio, is sold in greater quantity there than anywhere else. The corn of Maryland and Virginia finds its way there; and I am informed, as a proof of it, that five hundred thousand bushels of it were purchased in the little town of Providence alone, in one, I believe, the last year. And in connexion with this, let me say, if you allow foreign spirits, or, what is the same thing, spirits made of foreign materials, to come into competition with our domestic distillation, you prostrate all the midland farmers, who can now scarcely live.

Sir, these, the *stamina* of your country, are pining and struggling, but they are a patient and enduring class of men, who hope for better and brighter times, which will never shine upon them if the amendment shall prevail.

I beg the attention of the committee to the sentiments and views of one of the many vigorous minds that gave shape and form to our institutions. I refer to the reasoning of the first Secretary of the Treasury, who, in a prophetic spirit, and with a power of intellect that gives almost irresistible force to his opinions, in the year 1791, met and refuted, if not every one, almost all of the arguments now urged. I read from the report on manufactures of the late General Hamilton, of the 5th December, 1791:

"The remaining objections to a particular encouragement of manufactures in the United States, now require to be examined.

"One of these turns on the proposition, that industry, if left to itself, will naturally find its way to the most useful and profitable employment. Whence it is inferred that manufactures, without the aid of Government, will grow up as soon and as fast as the natural state of things, and the interest of the community, may require.

"Against the solidity of this hypothesis, in the full latitude of the terms, very cogent reasons may be offered. These have relation to the strong influence of habit, and the spirit of imitation, the fear of want of success in untried enterprises, the intrinsic difficulties incident to the first essays towards competition with those who have previously attained to perfection in the business to be attempted, the bounties, premiums, and other artificial encouragements, with which foreign nations second the exertions of their own citizens in the branches in which they are to be rivalled.

"Experience teaches that men are often so much governed by what they are accustomed to see and practise, that the simplest and most obvious improvements, in the most ordinary occupations, are adopted with hesitation, reluctance, and by slow gradations. The spontaneous transition to new pursuits, in a community long habituated to different ones, may be expected to be attended with proportionably greater difficulty. When former occupations ceased to yield a profit adequate to the subsistence of their followers, or when there was an absolute deficiency of employment in them, owing to the superabundance of hands, changes would ensue, but these changes would

be likely to be more tardy than might consist with the interest either of individuals or of the society. In many cases, they would not happen while a bare support could be ensured, by an adherence to ancient courses, though a resort to more profitable employment might be practicable. To produce the desirable changes as early as may be expedient, may, therefore, require the incitement and patronage of Government.

"The apprehension of failing in new attempts is, perhaps, a more serious impediment. There are dispositions apt to be attracted by the mere novelty of an undertaking; but these are not always those best calculated to give it success. To this it is of importance that the confidence of cautious, sagacious capitalists, both citizens and foreigners, should be excited. And to inspire this description of persons with confidence, it is essential that they should be made to see, in any project which is new, and for that reason alone, if for no other, precarious, the prospect of such a degree of countenance and support from Government, as may be capable of overcoming the obstacles inseparable from the first experiments.

"The superiority antecedently enjoyed by nations who have pre-occupied and perfected a branch of industry, constitutes a more formidable obstacle than either of those which have been mentioned, to the introduction of the same branch into a country in which it did not before exist. To maintain between the recent establishments of our country, and the long matured establishment of another country, a competition upon equal terms, both as to quality and price, is, in most cases, impracticable. The disparity in the one, or in the other, or in both, must necessarily be so considerable, as to forbid a successful rivalry, without the extraordinary aid and protection of Government.

"But the greatest obstacle of all, to the successful prosecution of a new branch of industry in a country in which it was before unknown, consists, as far as the instances apply, in the bounties, premiums, and other aids, which are granted in a variety of cases by the nations in which the establishments to be imitated are previously introduced. It is well known (and particular examples, in the course of this report, will be cited) that certain nations grant bounties on the exportation of particular commodities, to enable their own workmen to undersell and supplant all competitors, in the countries to which those commodities are sent. Hence the undertakers of a new manufacture have to contend, not only with the natural disadvantages of a new undertaking, but with the gratuities and remunerations which other Governments bestow. To be enabled to contend with success, it is evident that the interference and aid of their own Governments are indispensable.

"Combinations by those engaged in a particular branch of business, in one country, to frustrate the first efforts to introduce it into another, by temporary sacrifices, recompensed, perhaps, by extraordinary indemnifications of the Government of such country, are believed to have existed, and are not to be regarded as destitute of probability. The existence or assurance of aid from the Government of the country in which the business is to be introduced, may be essential to fortify adventurers against the dread of such combinations, to defeat their effects, if formed, and to prevent their being formed, by demonstrating that they must, in the end, prove fruitless.

"Whatever room there may be for an expectation that the industry of a people, under the direction of private interest, will, upon equal terms, find out the most beneficial employment for itself, there is none for a reliance that it will struggle against the force of unequal terms, or will, of itself, surmount all the adventitious barriers to a successful competition, which may have been erected, either by the advantages naturally acquired from practice, previous possession of the ground, or by those which may have sprung from position, regulations, and an artificial

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policy. This general reflection might alone suffice as an answer to the objection under examination, exclusively of the weighty considerations which have been particularly urged."

Again: "There remains to be noticed an objection to the encouragement of manufactures, of a nature different from those which question the probability of success. This is derived from its supposed tendency to give a monopoly of advantages to particular classes, at the expense of the rest of the community, who, it is affirmed, would be able to procure the requisite supplies of manufactured articles on better terms from foreigners than from our own citizens; and who, it is alleged, are reduced to the necessity of paying an enhanced price for whatever they want, by every measure which obstructs the free competition of foreign commodities.

"It is not an unreasonable supposition, that measures which serve to abridge the free competition of foreign articles, have a tendency to occasion an enhancement of prices; and it is not to be denied that such is the effect in a number of cases; but the fact does not uniformly correspond with the theory. A reduction of prices has, in several instances, immediately succeeded the establishment of a domestic manufacture. Whether it be that foreign manufacturers endeavor to supplant, by underselling our own, or whatever else be the cause, the effect has been such as is stated, and the reverse of what might have been expected.

"But though it were true that the immediate and certain effect of regulations controlling, the competition of foreign with domestic fabrics, was an increase of price, it is universally true that the contrary is the ultimate effect of every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. Being free from the heavy charges which attend the importation of foreign commodities, it can be afforded, and accordingly seldom or never fails to be sold, cheaper, in process of time, than was the foreign article for which it is a substitute. The internal competition which takes place, soon drives every thing like monopoly, and, by degrees, reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing, and with experience.

"Whence it follows that it is the interest of a community, with a view to eventual and permanent economy, to encourage the growth of manufactures. In a national view, a temporary enhancement of price must always be well compensated by a permanent reduction of it.

"It is a reflection which may, with propriety, be indulged here, that this eventual diminution of the prices of manufactured articles, which is the result of internal manufacturing establishments, has a direct and very important tendency to benefit agriculture. It enables the farmer to procure, with a smaller quantity of his labor, the manufactured produce of which he stands in need, and, consequently, increases the value of his income and property."

These are the opinions of forty years ago—uttered by an individual, who, without the aid of experience, looked, nevertheless, deeply into futurity; and, by anticipation, met and repudiated the favorite doctrines of the present day. Among the many evidences of the reach of the surpassing talents of Alexander Hamilton, I know of no testimony more decided and conclusive, than the report, a part of which I have brought to my assistance.

Let us inquire into the reasons urged for the adoption of the amendment submitted. On this part of the controversy I enter upon very unequal terms; he, whose address I listened to with the greatest pleasure, as I always do to every thing that proceeds from him, [Mr. McDUFFIE] is well known to the nation as talented and patriotic; the force of argument is accorded by many to his assertions;

while I, an humble individual, unknown out of this House, and to many within it, can scarcely hope that due weight will be given to what I may feebly urge: but I go onward with perfect confidence, not in myself, but in the strength and justice of the cause I advocate. Entertaining, as I do, the most exalted respect for the distinguished gentleman referred to, I request that, if a single word has inadvertently escaped me, which can be supposed to cast the faintest shadow of disparagement upon him, or those associated with him in opinion, I may be credited for sincerity, when I say no such intention was conceived by me.

Sir, the basis of the honorable gentleman's argument is the assumption that the consumer does not pay the duty, but that the producer of the article for which the importations are exchanged, is the person upon whom the tax falls. If this idea is delusive, and can be justified by no sound reason—if the substratum has not firmness enough to sustain the superstructure, the whole edifice must totter and tumble "from turret to foundation stone." It is said two-thirds of the States produce little, comparatively, for exportation, and that almost all the materials for our trade with foreign countries grow upon the remaining third. For the sake of argument, admit it. If the producing section imports all, as, according to the reasoning, it is assumed it does, are not the other sections dependent upon it? If the crop fails, or if it is desirable not to sell it, but to keep it for a more favorable price, how are our wants to be supplied? For it seems we cannot furnish our own luxuries or comforts, or necessities, because, exporting almost nothing, we can import only in the same proportion. If this be so, does it not furnish a good reason, if no other existed, for our course of policy? The southern citizens say, your system is death to us: this we do not believe; but, if we did, might say its abolition would be our destruction; and shall we not, being two-thirds, take such measures as we are assured our safety requires? Would it not be suicidal in us to place ourselves in this situation—this state of dependence has been removed, and shall we not continue independent? I do not mean absolutely, for we are all dependent upon each other to some extent, and will find our true interest in exchanging our productions and commodities: but shall we not be permitted to supply our own wants—to take care of ourselves? Shall eight millions of people yield themselves to the government of four, and place themselves in dependence upon them? The exports, it is argued, pay the imports. Admit it, for a moment, in its broadest sense, and suppose the tariff to be abolished, and manufactories to be annihilated, what would be the operation of this state of things on Pennsylvania? It will be admitted that the consumption in the several States is in the proportion of their population; that of Pennsylvania is about one million and a half. Goods are now imported to an amount between sixty and seventy millions of dollars; her proportion of which would be about eight millions, which she must pay for; but she has few exports to pay with—what is to be done? Cash must be given for them. Could she exist ten years in this condition? But, sir, it would be greatly worse: repeal the tariff—the manufactories go down, and foreign articles will be imported to twice the extent they now are. Pennsylvania would have to pay sixteen millions in money for her goods: how long could this be borne? This argument I consider fair, sir, for the whole reasoning spread before us on the other side is founded on the misery of the South, alleged to be produced by the present system. How much worse, then, would be our condition, if the wishes of the planting States could be gratified? Now, the American manufactories furnish us with a great deal of what we want, and, in return, we give them our productions which we cannot export. Labor is the element of wealth. Ingenuity, skill, professional ability, &c. may occasion its transfer, but labor in the field, in the mechanic arts, in manufactures, is the source of it, and lies at the bottom of all our prosper-

erty; it is a common stock, and does not belong to the North or the South, the East or the West, but to all. It creates an ability to consume, and this ability it is which is taxed, and not the labor producing it. The ability, which is invariably followed by the disposition to consume, pays the duty; and as that ability is small or great, so will be the purchases of those articles in common use where a man lives. And here lies the fallacy of the argument. If the producer was his own merchant, who sold his own crop in Liverpool, and thence imported articles which he himself consumed, or which he and his neighbors exclusively used, the argument would be difficult to resist; no, it would not, for then, indeed, he would be the consumer, and in that capacity pay the duty. But, what, sir, is the course of trade? He sells his crop to his merchant in Augusta, in Charleston, in Savannah, in Nashville, in Orleans, in Natchez, in Huntsville, who pays for it, either in an account for merchandise furnished the planter, or in money, or in both, and carries it to New York or Philadelphia, to pay for articles he has obtained there; or he exports it to Liverpool himself. Either way the contract is at an end as soon as the cotton is disposed of, and the duty enters not into the contract. The merchant in Liverpool buys it without reference to our internal regulations, for the Liverpool market is not expanded or restricted by American impositions, but by the trade of England with the world. She gets cotton from Egypt, Brazil, the East and West Indies, and exports her cotton fabrics to various countries—in very diminished quantities to us, for we not only supply ourselves with many articles we want, but enter into competition with her in several markets. A different merchant makes the purchases for importation; or if he be, as he sometimes is, the same individual, the contract is made on an entirely new footing; the goods are brought into the United States, the duties paid or bonded; they are added to the price of the goods, and a per centum put on the whole, which he who eats, or drinks, or wears, must pay. This, sir, when Americans do their own business, as they ought always to, but very seldom do; but when foreigners import for us, as we have seen they generally do, the course is totally different. The cotton is shipped, and sold at Liverpool, the money for it unpaid—a supercargo soon after arrives at New York with a ship-load of goods, which are sold at auction; and how are they paid for? Not in money, but in bills of exchange drawn upon London or Liverpool, and a per centum is put upon the auction purchase, without reference to the duties, which, of course, the consumer pays; unless, indeed, where the foreign agents are the package or piece merchants, when all they cannot manage the Government out of, forms a part of the price.

What has the producer to do with all this? Nothing, if we except his factor, in the first instance. But, sir, what I regard as conclusive on this subject, is the fact that cotton is as high, nay, higher, than it was in 1827, and that it was higher in 1825 than in 1824.

The following document I have obtained at the treasury:

STATEMENT exhibiting the quantity and value of cotton exported, from the 1st day of October, 1830, to the 30th day of September, 1829.

Years.	San Islands.	Other.	Total.	Average value per pound.	Value.
	Pounds.				Dollars.
1821	11,344,066	113,549,389	124,893,405	10.1	20,157,484
1822	11,250,635	133,424,460	144,675,095	16.6	24,035,058
1823	12,136,698	161,586,582	173,723,270	11.7	20,445,520
1824	9,525,722	132,843,941	142,369,663	15.4	21,947,401
1825	9,665,273	166,784,039	176,449,907	20.8	36,846,649
1826	5,972,832	198,562,563	204,535,415	12.2	25,025,214
1827	15,140,708	179,169,377	194,310,115	9.9	29,359,545
1828	11,288,419	209,302,044	220,590,463	10.7	22,487,229
1829	12,833,307	252,003,879	264,837,186	10.0	26,575,311
	99,157,765	1,637,226,754	1,736,384,519		226,879,411

What just ground of complaint is here? None. The southern planter gets his price, a reduced one from that which preceded it, and was received prior to 1818, 1819, I agree, but as much as he has latterly been accustomed to, and pays a duty on what it is his pleasure to consume, which costs him less than the same indulgence did before the duties were imposed.

We have been asked repeatedly, what does Pennsylvania pay, what do other manufacturing States pay? It has been said they pay nothing. Pennsylvania pays more than the honorable gentleman's [Mr. McDuffrie] own State; her consumption, which cannot be easily ascertained, fixes her contributions to the treasury in this particular: as she chooses to use, so she is bound to pay; so does she pay. It is, in my judgment, as impossible to maintain that the producer pays the duty, as to shut out the light of heaven from the earth.

But the inequality of distribution is made an objection to the collection of duties. If it be an evil, it does not lessen the propriety or value of the system that raises them. This ground of complaint is easily removed. I will as cheerfully join to appropriate money to proper objects south as north of Norfolk; but, I think, with great respect I say it, that this exception comes with rather a bad grace from the quarter that furnishes it. Do not all the objections to internal improvements, and to appropriations generally, proceed from the gentlemen with whom I am now contending? Where is the mass of negative votes on such questions to be found? Every one who hears me, knows. As to this complaint, I would say, gentlemen, the remedy is with yourselves.

Fault is found with a statement made by the then Secretary of the Treasury, two years ago, in which he was made to say that domestic production and commerce had increased more in the four preceding years, than they had done in the same number preceding 1824. Was it not so? It is, I believe, admitted, but the honorable gentleman from South Carolina [Mr. McDuffrie] states that the whole increase was in cotton: I think this is a mistake. Every thing that the industry and labor of man can produce, has increased immensely. Cotton is now, I believe, double in quantity what it was at any time within the last eight years, and it was for the last two years less than in 1827. Besides, the field for its cultivation is prodigiously enlarged: Louisiana, Mississippi, Alabama, Tennessee, and North Carolina now produce it. I speak in reference to the quantity from the exports, having no means of ascertaining our domestic consumption, which, for my present purpose, I suppose to remain about the same; if it has increased, then an additional argument is furnished for encouraging home industry.

For every million of British goods excluded, you destroy, it is said, a market for two or three millions of domestic fabrics. How is this operation brought about? That it is a correct position, I cannot admit; and it can be only partially so on the assumption that domestic articles will not be bought and consumed by those who dislike the system. They have a right to abstain from the use of them; and, if it be their pleasure to do so, let no man complain.

But the same strong hand has placed before us the constitutional difficulty, that we have no authority to impose the existing duties. The power to lay taxes and imposts is conceded; but it is alleged that this is an effort at destroying commerce, under the pretence of exercising the constitutional power of regulating it. Sir, it is not destroyed. By the annihilation of commerce, I understand a sweeping of it from the ocean, an inhibition of your merchants to trade, or your ships to make their traceless way. The embargo, it is rightly said, was constitutional and legal, because its object was the ultimate preservation of that commerce, which, for a season, is restrained—but does the operation of existing laws restrain it? By how many fewer

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The Tariff.

[H. of R.]

are your ships, how much less is your tonnage than it was before 1824? The American vessels employed in foreign trade were more numerous in 1826, than they had been since 1806-1807, and more numerous than they ever were, except in those two years; those engaged in the coasting trade have been gradually increasing, and are greater than they have ever been, and the two combined furnish more tonnage than has been owned at any previous period. For the last three years (including 1829) our tonnage has been on the increase. How that can be supposed to be destroyed which is growing, I do not know. But southern commerce, we are informed, is diminished. If it be so, it must be in a confined sense, that is, it must be meant that the business of Charleston, and other maritime places, is lessened. Taking it for granted, sir, it is no more than has befallen Philadelphia, and Baltimore, and Boston; New York has become the centre of capital and commercial activity, and swallowed up, from her superior natural advantages, all the business of her neighboring and rival towns. But, sir, if, as has been alleged in a report of a standing committee of this House, of which the honorable gentleman from New York [Mr. CAMBRELEN] is chairman, the British shipping in our trade has increased latterly, it is to be accounted for, in a great measure, by the abolition of the discriminating duty that formerly existed between our vessels and those of Britain. But I do not admit the fact, the examination I have been able to give this subject having led me to a different result. I have endeavored to show, from documents,* that our commerce on the ocean has not diminished but increased. I am, however, unwilling to take this limited view of our interests. Commerce, in its more extended sense, embracing internal as well as external trade, is, of all others, the topic I would have selected to prove that our present prosperity is unequalled. On the Ohio and the Mississippi, business has, since 1822-'23, increased two hundred per centum. A statement from Mr. Henry, the engineer at Louisville, Kentucky, dated January, 1830, and sent here in respect of the Louisville canal, shows that seventy thousand tons of property descended the rivers named, eight years ago, from the country above the falls: now the property which they float to New Orleans, from the same districts, counts two hundred and twelve thousand tons, more than two hundred per centum of an increase in seven years. Was any thing equal to this ever before heard of? The tonnage on these rivers amounts to fifty or sixty thousand tons. Look at the North river trade, greater perhaps, than that of the West—the Erie canal—the Chesapeake and Delaware canal, and the property they carry, and believe not your country is languishing, or that your policy is unpropitious to its best interests. Besides all this, every man knows that the land carriage, in the middle States particularly, has more than doubled within a few years. That local depression does exist occasionally everywhere, is certain; there may be temporary disease in a member of the body politic, as in the natural body, but the general action of the system is healthful and vigorous.

But the honorable gentleman [Mr. McDUFFIE] asks, triumphantly, if any State would bestow a bounty on manufactures within its limits; and informs us that he has put this question before, and that a most discreet silence was uniformly observed. It was not answered, I am sure; but I am equally certain that discretion could not have forbidden a reply. Does not the sagacious gentleman perceive that such a measure would be worse than useless? that the bounty given would be a bounty for the benefit of the citizens in the neighboring States, whose manufactures would be undersold by those receiving the bounty, and that the advantage could not be confined to the citizens of one State? Such a course would bring you back to the old confederacy. Where such bounties could be useful, they

have been given. I will instance, in my own State, the case of agricultural societies in counties, in whose hands funds were placed, to be distributed in premiums to those who should produce the greatest quantity of wheat or corn on an acre of ground—raise the best horse—the most valuable ox, &c.

I must be permitted to say, sir, that the gentleman is mistaken when he supposes ten men are injured for one that is benefited; all feel and know they are benefited. A furnace or a forge is the market for six or eight miles around it; a few establishments in a town or village give life and animation to all in its vicinity. This system of manufactures has raised us from the dust: as yet our condition is low, but we hope to recover from it. The gentleman's country is not more reduced in means, or more embarrassed, than mine has been. Its distress is owing to the same causes. Universal peace succeeded to widespread war; the multitudes that had been abstracted from ordinary occupations to military life, were restored to civil pursuits; and the change of condition, positive and relative, that took place all over the world, enabled each nation to put into action all its force for meeting the demand upon it for supplies; the price of labor, of provisions, of every thing, was cheapened in proportion as they were increased; and this depreciation, resulting from these circumstances, is the true cause of the suffering that has pervaded the whole country. Here, in South Carolina, as in Pennsylvania, must be sought the reason of embarrassment and difficulty; and if the gentleman will substitute southern products, while I trace the history of my State, that of his own may be read. Sir, before and during the war, and up to 1818 and 1819, we were prosperous beyond the wildest anticipations of the imagination, in her deepest and most luxurious twilight revels. The most sensible among us were inconsiderate. Ten, twelve, fourteen dollars per barrel for flour, and one hundred dollars per acre for land, induced expenses not disproportioned, certainly, to existing incomes; and if the money only had been expended, it would have been of comparatively little consequence; but we dissipated economical habits, we acquired new modes of thought and action, made large debts, and, worse than all, children had grown up with educations unfitting them to bear becomingly the sad reverse that awaited them and theirs, and overtook them between 1813 and 1825. Sir, after the former year, our products would not yield a third; our flour was as low as three dollars and fifty cents, and never higher than six to seven dollars, averaging, during all the time that has followed, about four dollars and twenty-five cents to four dollars and fifty cents; and land that would have brought one hundred dollars, not selling for more than twenty to thirty dollars. It is within my own personal knowledge, that real estate has been frequently so sacrificed. Can any distress exceed this? Property has changed hands, and without the satisfaction of paying a man's debts. Sir, I knew a case of this kind—a farmer of great respectability and worth inherited from his ancestor, or received by his will, a large plantation: in the rage for speculation, about 1815, 1816, he purchased a farm near him; the depreciation of property and produce compelled him to borrow a great part of the money to meet his contract; interest increased his debt, until, finally, his purchase and his inheritance were both sold, and were insufficient to discharge the debt incurred. Can any case be more deplorable than that one? It is hard, sir, grievously hard, to suffer the deprivations of poverty. It is a bitter draught to accommodate yourself and family to the altered condition of things: it makes the heart bleed, to deprive a wife and children of their accustomed enjoyments, and many a pang heaves, unseen, the bosom of a feeling, unfortunate man; but misery belongs to our race, and his manliness is not the less commendable for bearing without a murmur, and unknown, tortures which he communicates to those around him only so far as may be necessary to pro-

* Watterston and Van Zandt's tables, and Treasury records.

duce conformity to the new state of his affairs. All this has been seen and felt in my own district. We are only emerging from its horrors. Many of my constituents cultivate with their own hands, and those of their families, farms off from one to two hundred acres of land; incurring no expense that can be avoided, they are obliged to practise rigid economy to sustain themselves. By this course, they will surmount all difficulties, and, by a similar one, South Carolina will reach the same goal. By patience, industry, and economy, any adverse current of pecuniary affairs can be stayed; and, by an adaptation of habits to circumstances, happiness and enjoyment may be found as readily and frequently in moderate competence, as in abounding and overflowing wealth.

The argument most pressed by the honorable mover of the amendment [Mr. McDUFFIE] is, that the measures now in force are tyrannical, and adopted without right. Sir, no man, or set of men, can lawfully play a tyrannous part, or, without warrant, coerce the observance of particular rules. Tyranny is odious, and not to be patiently endured in any shape; nor is it very material whether the oppression be inflicted by one or many. Nay, further, I will agree that the definition of despotism given is an apt one. "It is a Government in which the will of those on whom the laws operate is not consulted." Who ever before heard of a despotism—of the destroying oppression of a minority by a majority, in a Government of which the very essence is that the majority shall rule? Was it ever before asserted that the very life-giving principle itself—the ingredient which gives all its value to our connexion, and without which, it would be a mass of inert matter, that could be put in motion only by some corrupting and corroding principle, that would degrade and debase us into a fit condition for such rule, is, in its operation, in its fair and legitimate exercise, made productive of tyranny? Shall it be admitted for an instant that a minority are to rule? Never. The majority must govern; and is any conviction wrought, that, in so doing, they are the tyrants they have been depicted? I think not. Sir, keeping within the pale of the constitution, they have the exclusive right to prescribe what shall, or shall not, be done; if you pass that boundary, you are without all rules. One would, indeed, think that the honorable gentleman's constituents had no share in the legislation of the country; so far from it, they are as ably, perhaps more ably, represented than any portion of these United States. He takes a useful, an instructive part in many of the measures determined here; but shall not the majority, differing from him, exercise and act upon their own judgments? He will at once, with his high and liberal mind, answer in the affirmative. I say, further, they are the judges of what is lawful or not. I speak not now of judicial tribunals, but refer only to the powers of a majority in connexion with the rights of a minority. It is conceded the majority may do as they will with what is their own, but not so with what belongs to the minority. Sir, there is no separate and distinct *meum et tuum* here; we enter this room as representatives of the whole; whatever we do, reaches over all; laws stop not at rivers or mountains; but, for the purposes of legislation, the territory and property of the country are common stock. In the prescription of rules and regulations which affect them, each member must be heard, may persuade and convince if he can, but, failing, is bound by the decision. Nor does the gentleman's definition of despotism, although intrinsically correct, help his argument; for it is only applicable where the subject of the laws has no lot or part in enacting them. Has he none? Are not his constituents, through him, consulted? He and they are portions of the body politic, as well entitled, but not better entitled, than others, to his and their share in legislation.

I adjure gentlemen, in a spirit of kindness and good feeling, to look around: to ask themselves what earthly motive the majority can have for doing them wrong. For

myself, I know I have no desire but, according to the humble measure of my judgment, to advance my country's interest. I believe no honorable gentleman on either side has any other purpose. Let us, then, like brethren, bear and forbear much—enduring the evils that arise out of our nature and the condition of things—hoping for other days and better times, and not add at this, almost the hour of parting, the distress of wounded feelings, and the deep-seated pain of poignant regrets, to the sorrow that every patriotic bosom already acknowledges, at our difference of sentiment on the great national question before the committee.

Mr. BARNWELL said, he should offer no apology for the remarks which he should address to the committee. I am aware [said Mr. B.] that, upon this subject, the ruling majority desire to hear neither argument nor complaint. They have indicated their pleasure by acts too palpable to allow me even to affect ignorance.

If this new burden could have been imposed upon us in silence; if this bill of pains and penalties could have been passed into a law, and every expression of indignation and remonstrance from those whose ruin it must have consummated, could have been suppressed, it would have been done.

Power has become so absolute, that the language of free remonstrance grates harshly upon its ear: the tone in which those who have not quite relinquished the hope of freedom, assert their wrongs, and demand their rights, is called menace, and denounced as rebellious. We must be pardoned, sir; we come of a race which fought for liberty, which, by deeds, proved its devotion to the cause. The forms in which they transmitted it to us, have not yet lost their charms; the rough smack of the language of freemen still lingers upon our tongue. For myself, sir, representing the people which I do, feeling that their all is at stake, I were recreant, did I not speak boldly before I gave it up.

The gentleman from Massachusetts [Mr. Davis] has asked why it is that my colleague, [Mr. McDUFFIE] deserting the old ground of argument, has endeavored to make manifest the unequal and oppressive operation of the tariff system upon distinct sections of the country. As the course of my own argument will be similar to the one pursued by my colleague, I feel myself called upon to answer this inquiry. Upon this floor, I bear the character of a legislator for the Union, as well as a representative of South Carolina; I acknowledge the obligation which this double relation to the American people imposes upon me. I am not permitted to exert the influence which my station may confer, to excite discontent, or to stir up dangerous dissensions. Why, then, shall I confine my observations chiefly to the oppression of the South? This is my answer. From 1820, when first the dangerous tendency of the restrictive system became apparent, the southern statesmen, assisted by many of distinguished ability from other sections of the country, have not ceased to contend against it. We believe that they have demonstrated the illegality and oppressiveness of this scheme of policy, which, while it bestowed partial and delusive favors on a few monopolists, imposes a grievous tax upon the laboring portion of the community. But, sir, the monopolists have triumphed. A majority of the representatives in Congress have declared their determination to adhere to this system of taxation, as beneficial to those whom they represent. Our appeal to the interest of the nation has been made in vain: taxation is declared to be a benefit, and new modes of expenditure are devised to perpetuate it. We now assume a bolder tone; we strike a higher chord: we place before you one broad and fertile section of your country, withering beneath the blighting effects of your policy. We show you a people struggling against the ruin which your legislation brings upon them, and struggling in vain—a people, united by common suffering and common interest, here, at home, in their legislative assemblies, at their public meetings, uttering one common voice of deep-settled indignation at the

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The Tuff.

[H. of R.]

injustice of your taxation. And who are the people upon whose forbearance you press thus heavily? upon whose submissiveness you calculate thus securely? Sir, the very memory of the past must be destroyed, ere this people shall permanently and quietly endure illegal taxation. They annually commemorate the wisdom and the fortitude of those who struggled successfully against the overwhelming power of the mother country: can they forget the cause? They have been bred in a school which teaches them that there are but three gradations which bring a freeman to the station of a slave—to feel that he is oppressed, to believe that oppression to be illegal, and to submit to it. They have the reality of injury, and they cannot doubt. They are deeply convinced that you have no authority to inflict the injury; they now behold the dawn of that day of submission, that day which takes from manhood half its virtue. It may be that an eye which has intensely gazed upon the heroic lineaments of the ancestors, has transferred a delusive resemblance to the features of their descendants; yet I will not permit myself to believe, nor will I suffer you so far to deceive yourselves, as to imagine, that this people will submit. All the offices of patriotism they have, and will perform. If evil result from the assertion of their rights, and the protection of their property, let those answer for it who would break them down to unconditional subjection. The true issue now is, will you relieve the southern people from this unequal oppression, or will you compel them to relieve themselves?

I have said, sir, that this system is unequal, and that it fixed upon the southern and southwestern States an intolerable burden of taxation.

I will now adduce the arguments by which I hope to maintain my position. The revenue of this country, about twenty-four millions of dollars, is derived from a tax upon the exchanges of foreign commerce. Of the products which constitute the American portion of this exchange, about three millions of people, inhabiting the south and southwestern sections of the country, are the producers of nearly thirty-seven millions of dollars. The remaining seventeen millions of dollars is the produce of the labor of three-fourths of the people of this Union, inhabiting the northern and eastern sections of this country. Whatever portion of the tax is thrown upon the producer, must necessarily press most unequally upon the different sections of the Union. I am aware that political economists have laid it down as an axiom that the consumer pays the tax; and although I do not entirely assent to this proposition, yet I shall not, at present, attempt to disprove its general applicability. It will suffice that I demonstrate that the financial system of this country reverses the order of nature, and throws the burden upon the producer. First, by heavy taxation and unequal distribution, production is made to press upon consumption, and the producer is unable to throw the tax upon the consumer. It cannot be expected that I should, by extended argument, prove that whenever the production of any article exceeds the demand, all burdens laid upon the sale of this article must fall upon the producer; the very statement of the proposition carries with it the proof of its correctness: the producer pays the tax, or reduces the quantity produced; in either event, he sustains the loss. The gentleman from Massachusetts, whilst he denies that the producer pays any portion of the duty, attributes our suffering to the fact that our production exceeds the demand; and this he attributes to a general glut in the market of the world, occasioned by excess of production. I rest my argument partly upon the gentleman's conclusion, but I cannot accede to the justice of his premises. I cannot believe that the unimpeded exertions of man's industry, the unperturbed suggestions of man's sagacity, drive him onward to a state of dismal stagnation, in which the accomplishment of his toil and foresight is to perish from want in the midst of overwhelming abundance. This is not the order of nature.

But when man has usurped undue authority over his equals, and, finding in human reason no justification for the sacrifice of the will and property of others for his own profit or pleasure, seeks, by a mysterious derivation of his power; to conceal the weakness of his title, calling that divine right which the well being of human society will not sanction, he must maintain his pretensions to this high origin of his power, by exalting the superior wisdom with which he boasts that he has been gifted for its exercise. Divine inspiration must sanctify divine right. Then commences a system of exorbitant taxation, unequal distribution, and forced direction of industry, which inevitably result in robbing labor of its hard earnings, and bringing to beggary and starvation a majority of those for whose protection Governments have been instituted. And this Government, also, in name a republic, having set at naught the compact by which its power was restrained—no longer deriving its authority from the instructions of the instrument to execute which it was organized, but arrogating despotic authority under the divine right of a majority, a right as false in theory and far more oppressive in practice than the divine right of kings, has not failed to claim, also, the inspiration which appertains to the mysterious source of its power. The representative, with his official garb, assumes official wisdom; the scales fall from his eyes, and he, who but yesterday was unable to direct his own industry, is now gifted with unerring sagacity and profound wisdom, in guiding and controlling the interest and industry of the nation. The evil which such legislation brings upon mankind, cannot be attributed to nature. It is to the disturbing operations of Government that the distress resulting from production pressing upon consumption is justly attributable. I will endeavor to illustrate this position. Let us suppose a community of one hundred men, whose annual income amounts to a hundred dollars each; if no taxes or regulations disturbed the exchanges of this community, no sufficient cause can be assigned why great inequality should arise in their condition, or why the supply should exceed the demand. But let a Government be established, which levies a tax of fifty per cent. upon the incomes of each member of the community, and distributes the amount thus levied among ten members, what then is the result? Ninety members have their means of consumption diminished one-half; and although ten members have had their income increased to five times their former amount, yet the increased consumption of the five will never supply the diminished consumption of the ninety. But whilst the consumption is thus diminished, the power of production is not only the same, but is stimulated to still greater efforts. When we add to this almost necessary cause of inequality, the unjust interference of a Government, shackling industry in one pursuit to sustain it in another, we have perhaps assigned the true reason why labor is depressed and capital exalted, and why a large portion of the community are starving in the midst of plenty.

If we refer to England, that country which the restrictionists visit with such unmeasured abuse, while they worship with a slavish adoration the very errors from which her increasing intelligence is daily liberating her, we shall there behold a powerful illustration of the correctness of my position. It is true that she has amassed great wealth, and her resources and her luxury are the astonishment of the world. But what is her internal condition? The small landowner, the owner of a little hut and a petty craft, has no longer a home; his land has passed from him, to swell the domain of his aristocratic neighbor; he has become a day laborer; the day laborer is a pauper. The gentleman from Massachusetts has said truly that the British operative worked for bread; yes, sir, no hope of future relaxation ever cheers his toil; hunger, ever present, ever pressing, stimulates his overwrought frame to new exertions. He hopes to eat, he fears to starve. What has re-

duced him to this miserable condition? Heavy taxation, unequal and extravagant disbursements, unjust monopolies, exhausting the means of millions to swell the coffers of a few.

And the laborers of our country must work as cheaply as this miserable, slaving population! What is the operation of this Government upon the South? Sir, of the imports received chiefly in return for their exports, the Government takes almost one-half; and where expends it? Elsewhere. It is certain that not two millions of dollars of the twenty-four ever revisit the section which bears the chief burden of taxation. Nor is this all. To make the inequality still more glaring, bounties, also, are to be levied upon our industry, to pamper other sections of the country. Our means of consumption are thus diminished; and, to sustain ourselves under this unnatural pressure, we have been compelled to press our productions beyond the means of consumption.

I will now, sir, take another view of the subject, illustrative of the position, that the tax laid upon the amount of imports purchased by our exports is chiefly borne by the southern producer. That we may understand the principle clearly, let us remove the intermediate machinery. The cotton, tobacco, and rice, and other southern exports, are the produce of our labor; they are worth about thirty-seven millions of dollars; we take them to the manufacturer, and, as the Government requires fifty per cent. upon the goods which we shall bring with us, we sell one-half of our produce for money, the other half we exchange for goods. Upon our return, we pay the duty at the custom-house, and we seek to reimburse ourselves, by adding the duty to the goods which we have imported. This enables the northern manufacturer to sell his goods at a profitable advance; and thus the section of country in which he resides receives a bounty. But it is alleged that the consumers of the North pay the duty upon the goods which they consume. This is true; but by whose means? Why, the very fifty per cent. which the southern producer has paid at the custom-house, is transferred to the North in the shape of disbursements, and they are thus enabled to reimburse themselves for the advance which they made as consumers. In what proportions these advantages are distributed among the people of the North, I do not inquire. I believe that the distribution is most unequal, and that monopoly there also holds labor in thralldom, and oppresses whilst it deludes the poor. But it is argued that the producer, as producer, pays nothing—that the consumer alone pays the tax, and that we do consume the amount of our exports. We will meet them upon this ground, also; we believe that the cotton, tobacco, and rice, and other articles of southern export, which we raise by the labor of our slaves, amounting, in value, to the sum of thirty-seven millions of dollars annually, is our property; we believe that, after deducting such portion of this amount as a just Government should require, the remainder we have the undoubted right to apply to our proper use. It is true that we have long known that we have not been permitted to use our own property; we have felt that others were enjoying the products of our labor. But that this should be openly avowed, that we should be told, when we complain of oppression, that we do not consume our own property, and therefore should moderate our tone and be submissive, sir, can this be tolerated? Do we not consume the amount of our exports? Who does? I demand. Is it not ours? Who does consume it? It is that which our labor has earned—let those who have taken it from us show a higher title. Let us examine it, sir. The exports and imports of any country are equal in a series of years. Whatever, therefore, a country exports, it will import, unless some portion be intercepted by foreign or domestic interference. The exports of the southern country are thirty-seven millions of dollars; if we had no connexion with the North, a duty of forty-five per cent. on imports would give sixteen

millions of dollars, a most oppressive tax, yet one from the weight of which we are not relieved by our connexion with the North, whilst we are altogether deprived of the advantage of its disbursement, and have our foreign market endangered by a fruitless and bitter competition. As we export for consumption, that portion which is not taken from us by taxes, we do consume; and upon this we pay the duty, either in taxes to the Government, or bounties to the manufacturer. With the exception of our trade with the West, of four or five millions of dollars, (and our exportation of cotton to the North will amply compensate for the exception,) almost the whole of our consumption consists of articles imported or protected, and an average of between forty-five and fifty per cent. will not exceed the actual amount of taxation to which we are subjected. We are the ultimate consumers, possessing no power of throwing our burdens upon others; upon us the tax falls. But, sir, what need is there of this contest of words? Men's professions may deceive you—let their actions answer; these speak most intelligibly. Who bear the burdens? Who pay the taxes? The gentleman from Massachusetts said truly that labor was the basis of property. The Government derives, annually, twenty-four millions of dollars of taxes from the labor of the country; from labor it must come, *ex nihilo nihil fit*. And although I have heard that a duty was no tax, I cannot reply to such an assertion. I cannot strike a shadow; I cannot argue against a palpable absurdity. Upon the labor of this country there lies a burden of twenty-four millions of dollars. Who bear this burden? Who pay these taxes? Do the North pay? Sir, they pray for an increase; they beseech you, as you value their existence as a nation, never to remove them. Are taxes, then, a blessing to be prayed for? Is industry there so elastic, that burdens must be applied to regulate its buoyancy? Must every extravagant scheme be fostered, to induce a necessity for taxation? And do you feel it as an evil?

We do not claim for ourselves greater wisdom, and certainly not greater prudence, than the representatives of the North; yet how has it happened that taxation and prodigal expenditure find favor and support in the North, and are opposed by the South? Is it that the people whom they represent are less sensitive to taxation, less jealous of the application of their money, than ours? No, sir: two winters since, the Legislature of Massachusetts refused to lay a tax for the payment of a debt due by that commonwealth. Her funds were exhausted, her contracts were not performed; yet the representatives refused to tax the people. The last winter a railroad scheme was proposed to that Legislature, and a subscription was refused. The application, I think, has been transferred here. New York is now living upon her capital, refusing to tax her people. Pennsylvania continues to borrow money to pay the interest of her debt, refusing to tax her people. How is this, sir? Here we find the representatives of these very States anxious to keep up the taxes, and willing to engage in wasteful schemes of expenditures. Whence this economy at home, and profusion here? Sir, the facts are too glaring to be denied—the inferences too clear to be disguised. The system is a blessing to them, and the burdens of Government fall upon us.

The gentleman from Massachusetts denies that we can consume the thirty-seven millions of dollars which we export. Sir, the gentleman has not well examined his assertion. The population, to purchase whose supplies these exports are made, is three millions; the average consumption would scarcely exceed thirteen dollars a head. Is this a consumption of foreign articles by three millions so enormous as to exceed belief? The Island of Cuba, with a population of eight hundred thousand, imports fourteen millions of dollars annually, giving an average consumption of foreign articles of more than seventeen dollars.

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[H. of R.]

But it is said that we could not have sustained this weight of taxation. Sir, we have not sustained it: we have sunk under it. Whilst the value of our property has been greatly diminished, the profits of our labor have been almost destroyed; not by that active competition which, whilst it lessens individual gain, enhances the sum of national prosperity, and adds to the strength and population of our country, but by a production borne down by taxation, compelling it to maintain a precarious and unequal struggle with foreign industry by sacrifices and toil. And it is against a country thus oppressed, that new edicts are yearly promulgated, trammelling, limiting, exterminating that commerce upon which it depends for existence.

A belt of country, extending from thirty-seven degrees north to thirty-seven degrees south latitude, is capable of producing the articles which we export to a foreign market. In many portions of this section of the world, the soil is more fertile, the climate more genial, and labor cheaper, than in the southern part of this country: with the inhabitants of this extensive region we must compete. A small island, not possessing any peculiar natural advantages, with its labor subjected to an enormous pressure of taxation, is the dreaded competitor of the northern manufacturer. I demand, sir, by what principle which you yourselves can term equal, do you dare to throw in the weight of your legislation, for the purpose of encumbering one section of the country to strengthen the other. Sir, your Government appeals to the example of England to justify her in this course of legislation; let her follow out the example, if she has determined to make the system of restrictions, which is daily yielding to science and experience there, the model of her policy. If no more elevated path to glory and prosperity can be discovered for a free republic, than that dark and crooked road from which knowledge is even now expelling the monarchies and aristocracies of Europe, let her at least take the good with the evil. Let her design be justice. England has most unwisely and unjustly assumed the control of the whole labor of her people; but she desired that they should experience equal favor. It is true that most pernicious inequalities have been the result; but this is the inherent, vicious tendency of the system. The object which she designed to accomplish, was the equal protection of every class in the community. When she gave to her manufactures the home market, she gave bounties to the exports of her agriculture; and now that her agriculture is permitted to enjoy without competition the domestic market, she assists by bounties the exportations of her manufactures; nor is there a burden to be borne, or an advantage to be enjoyed, which she intentionally distributes unequally on the labor of those who claim her protection.

Sir, how is it you boast you are a free State? Will the name of freedom compensate for the want of justice? And can you pretend, upon the common principles of natural equity, to justify yourselves for the gross partiality which your legislation manifests? You not only foster one portion of the community, and one section of the country, whilst you leave the other without the pale of your protection, but you trammel and render fruitless the unassisted exertions of the one, that the other may enjoy in security increased prosperity.

There are some arguments urged by the gentleman from Massachusetts, of a general character, of which, although I cannot myself feel their force, yet, as they have been frequently repeated, I shall briefly notice them. The gentleman urges that the competition of this country diminishes the price of goods. The admission of that gentleman in another part of the argument furnishes a sufficient answer to this argument. He told us that the British laborer worked for his daily bread; that starvation reduced the price of his labor to the least sum sufficient for the support of life. Here, sir, is a very sufficient reason to account for the depressed price of English goods, and

renders entirely unnecessary any resort to the mysterious connexion which is said to exist between high taxes and cheap goods.

But, sir, the whole argument has always appeared to me to be based upon a most unfounded assumption that the manufacturers of England would or could combine to sell their goods in America at a price above that which renders them a fair profit. Sir, gentlemen greatly underrate the effect of competition in England, and greatly overrate the importance of the American market to the English manufacturer, when they suffer themselves to be deluded by so idle a supposition. Great Britain exports near three hundred millions of manufactures. A combination among the producers of this amount of fabrics, is an apprehension too extravagant to affect a reasonable mind. And it seems scarcely less surprising that any one could gravely urge that a market for twenty or thirty millions could regulate the price of manufactures to the amount of many hundreds of millions; and upon this supposition only can the argument be sustained. It is also evident that no permanent and important difference of price can be maintained in the American market, whilst our commerce is free with France and other European countries.

But it is said that the restrictive system has rendered goods cheaper in this country. Sir, the true question is, are they cheaper than we could procure them from abroad? and not whether they are cheaper now than at a former period. You dare not answer in the affirmative. Let our revenue, chiefly derived from a payment of a tax imposed upon the very goods, of the superior cheapness of which, in this country, these men boast, answer. Let this infamous bill of pains and penalties, which the chairman of the Committee on Manufactures has from very shame abandoned, answer. [Mr. MALLARY said that he was not ashamed of the bill.] If your goods are cheaper than the foreign articles, the manufacturers cannot require such harsh and unjust laws for their protection. But, sir, are goods, as we receive them in this country, either foreign or domestic, really cheaper than they were formerly? It is true, sir, that they cost less money; but have not all articles, the unprotected as well as the protected, depreciated in equal proportion? Can you obtain more of the necessities or comforts of life for a pound of cotton or tobacco, than you could formerly? It is the exchangeable value which determines the cheapness. I apprehend, sir, that, under our present system, and in this mode of estimating the value, goods are not cheaper.

It is triumphantly urged that the revenue of the country has not been seriously affected by the tariff, and that the prophecies of those who have formerly opposed this policy have not been accomplished. Sir, when we estimate the vast yearly addition which is made to the population of this country, the enormous increase of duties upon imports which have been levied, and advert to the fact that the revenue has remained almost stationary, we cannot perceive that the advocates of high taxes have great cause for triumph or congratulation. Yet it is true that the diminution of the revenue has not been so rapid or so great as was anticipated previously to the act of 1828.

Those who witnessed the oppressive operation of this Government upon that section of the country, from the produce of the labor of which the revenue was chiefly derived, were well warranted in the belief which they entertained and expressed, that additional burdens would drive them from their employment; and that, with the decrease of exports, the revenue derived from imports would be greatly curtailed. What has been the effect? Sir, it is true that the planter still clings to the soil and the employment to which the strong ties of local affection and custom bind him; but the value of his property is merely nominal. Those who were pressed by debts have been ruined, and those who were ever distinguished for generous hospitality, are now struggling, and vainly struggling,

by privation and ceaseless labor, to keep their foot upon their natal soil. The blow has fallen upon our lands; and it has fallen heavily. Lower they cannot go; we must desert them. To us, at least, it affords no consolation to know that the revenue has not decreased; for we feel that it has been sustained by remorseless oppression, wringing from us the hard earnings of our industry.

But, sir, the gentleman from Massachusetts says that we arrogate to ourselves the markets of this country. Ah, sir, this is the true statement of the case: this is a bold avowal of these principles which we charge upon you: we arrogate to ourselves the market of this country, and against this arrogance the tariff laws are directed. How arrogant? Do we claim special privileges? Do we clamor for laws to aid our industry? No, sir; we ask only the free exercise of our industry; and you answer, that this would enable us to possess the market of our common country, and, therefore, you will not permit it. Sir, we have long felt that we were aliens: your legislation has deeply convinced us that you so regarded us; but it is for the first time openly avowed here, that we have been denied, and will be denied, the right of a citizen to contend for the market of his own country. Yes, sir, if restriction were removed, the planter would enjoy the domestic market; laws must be passed for his exclusion, and those who pass these laws call him countryman and fellow-citizen! The whole scheme is now laid bare; it is to prevent the profits of one section of the country from exceeding the profits of the other: and the American system stands, stripped of disguise, the old agrarian law, vamped up with a new title. Fanny Wright and her doctrines have their advocates upon this floor; and a distribution of goods is the consummation of this splendid project! It is well, sir, that we now understand each other.

The gentleman has introduced slavery into his speech. This is not the occasion upon which I will enter into a discussion upon that subject; the time will, I doubt not, soon come, when I shall claim to be heard.

If the gentleman desires to reconcile a majority of the people of this country to an unjust oppression of the minority, by exciting fanatical prejudices against them, and succeeds in his object, this Government is at an end. That you oppress us because you love yourselves too well, is not tolerable; but that you oppress, because you hate or despise us!—Sir, I will not speak of it.

But, sir, the gentleman will not succeed; the same game has been played before. "The slaves of French slaves, themselves the drivers of slaves," has been once the watchword, but it met with a signal failure then, and will signally fail now.

Sir, had we delivered ourselves into your power, as mere dependents upon your will; had we entrusted to your control the entire disposal of our destinies, perseverance in a system of such manifest injustice and such destructive oppression must have forced us to discard a pretended Government, which "covers to devour us."

But we have not left ourselves thus defenceless; we rest upon that sacred and only bond of union—the constitution. We are animated by a high consciousness that we contend not in a selfish cause, involving merely pecuniary interests, but in the common cause of our common country. Knowing that the preservation of liberty, identified as it is in the preservation of the constitution, depends upon our exertions, we cannot suffer false fears or false hopes to endanger the issue.

And we shall triumph! It is the good old cause: and wherever there is intelligence to estimate its value, and boldness to defend it at all hazards, it cannot go down. The sympathies of the enlightened, the generous, the bold, and the free, are with us. History, in every page, which warms the heart of those who love liberty, is with us: we cannot fail.

Let those who love and honor the constitution not de-

spair of the republic. The encroachments of power have been rapid and alarming; its strongholds are deeply fixed, and fiercely defended. The struggle may be arduous, but it ends in victory.

Had history preserved in her records no memorial of that Roman Senate whose firmness subdued the world, but this simple sentence, "They returned thanks to their vanquished general, because he did not despair of the republic," their fame were immortal.

We will not then despair of the republic. The gallant vessel rocks until her bulwarks are in the brine; throw not the ballast overboard, she will right again.

But, sir, it is not here that I hope to find a remedy; whilst I speak, your decision is already pronounced. I appeal, in the name of the people whom I represent, from your tribunal. Not to your federal judiciary, created by your power, dependent upon your will; but to the State of which we are members, in her capacity of sovereign, we take our appeal. That true allegiance, which, as citizens, we owe to her, has been maintained inviolate. To her laws we have yielded a faithful obedience, and we now demand from her the exercise of the great relative duty of protection.

Mr. GORHAM, of Massachusetts, succeeded, and occupied the committee a short time in a practical examination of the provisions of the bill, and in support of regulations for enforcing the tariff laws; which, although he was opposed to their passage, and to the system which they introduced, he would employ all proper means to enforce while they continued the law of the land. He then spoke at large on the history and effects of the tariff laws, and against the repeal as proposed by the amendment of Mr. McDUFFIE. Mr. G. concluded at four o'clock, when Mr. YOUNG moved that the committee rise; which motion prevailed.

THURSDAY, MAY 6, 1830.

COMMERCE AND IMPOSTS.

The House resumed the consideration of the bill concerning the navigation and imposts, reported by the Committee on Commerce.

Mr. WAYNE continued his remarks in favor of the bill, and embracing general views against the protecting system. He had not concluded, when the expiration of the hour arrested the debate.

DISTRICT AFFAIRS.

The House took up the bill providing for the punishment of crimes within the District of Columbia. The question being on its third reading,

Mr. ALEXANDER moved that the bill be laid on the table.

Mr. TAYLOR demanded the yeas and nays on this question; but the House refused to order them; and

The question to lay the bill on the table prevailed—70 to 57.

FRIDAY, MAY 7, 1830.

The House resumed the consideration of the bill to amend the laws concerning navigation and imposts.

Mr. WAYNE concluded his remarks in support of the bill.

Mr. STRONG expressed his intention of submitting his views on the subject; but, as the hour had nearly expired, he would, by permission of the House, defer until tomorrow what he had to say.

THE TARIFF LAWS.

The House then again resolved itself into a Committee of the Whole House on the state of the Union, Mr. POLK in the chair, and took up the bill to amend an act in addition to the several acts imposing duties on imports.

Mr. YOUNG said he had hitherto left the exposition of

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his sentiments—here, to the simple expression of aye or no. Respect for the wisdom of the committee collectively, and the weight of character and full experience of many of its members, still inclined him to that course. But, [said Mr. V.] believing that the policy now struggling between this bill and its amendment seriously concerns an interest which has become important to the State I have the honor in part to represent, and of which interest, from my local situation with regard to no inconsiderable proportion of it, it might not be expected I should be unmindful here; and believing, as I do, that a healthy, active, and vigorous state of society in general—the permanent growth, prosperity, and general welfare of our entire country depend intimately, and to a very great extent, on that system of measures now so directly and indirectly, and furiously attacked, I trust the expression of my sentiments, at this time, somewhat more at large, will not be considered as exceeding the duties of my place, or inconsistent with the deference I owe here.

I am not, sir, insensible of the time in which I enter this debate, both in regard to the late hour in the session, and the progress of the discussion—that the prominent views and strong points in this subject have already been traced by master hands—that an extraordinary struggle of eloquence and energy of intellect have formed a kind of crisis of interest and feeling, from which the mind, with the most sincere devotion to the cause, must be waning, and more “idly bent” on what may follow.

I shall, therefore, as far as may be, avoid the track of those who have gone before me, and, not affecting to fill out a complete system for myself, attempt to re-establish, from primary considerations, those general principles of action and operations which have been so fully and so forcibly presented; but endeavor to illustrate them from other facts, and exhibit them from other points of observation, that we may the more distinctly perceive their existence and actual operation upon us.

The honorable gentleman from Massachusetts, [Mr. Davis] who first addressed the committee in opposition to the present amendment, exhibited to us the necessary effect of the accumulation of labor and capital on manufactures, and of the consequent abundance of production, in bearing down, with extending and general pressure, the price of the manufactured articles of all nations and countries, as far as exchange and mutual intercourse exist—presenting, also, our own manufactures as contributing their share in this operation. My object will be to show a further effect, and the particular operation of our manufactures within our own country, and amongst ourselves. The honorable gentleman from Pennsylvania [Mr. Crawford] who next addressed the committee on the same side, exhibited more particularly the favorable bearing of manufactures on our agricultural pursuits and productions; and the honorable gentleman from Massachusetts, [Mr. Gorham] who immediately preceded me, illustrated his views on the subject more particularly, from facts appearing in our foreign intercourse and mercantile transactions. My object will be to examine the more direct effects, proceeding more immediately from manufacturing operations themselves. And all who have preceded me, on either side of the question, have, for the most part, drawn their conclusions from general views. My object will be to select some few specific, palpable facts and results, exemplifying the governing principles, that we may view them simply, singly, and distinctly—not relying on their tendency merely, but the degree and extent of the effect, that we may, if we please, without any intricate or aggregate calculations, count, weigh, and measure them for ourselves. And are there, sir, no such facts to be found? Has experience yet left no criterion amidst all the commended and deprecated operations of this all-embracing tariff system? Is it not strange, sir, that, on this subject, there should so long be found to remain so much doubt—so much confu-

sion of sentiment, so wide, so extreme a difference of opinion? A subject, as all agree, so intimately connected with the value of all we possess, affecting alike the city and the country, the producer, vender, and consumer, entering into the composition of whatever we eat, and drink, and wear, and even that of our dwellings, and bearing, in its effects, on all our great, continual, and instant interests, and as extended, minute, and diversified as the whole restless struggle and bustle for money, riches, and power.

Will it not be strange, sir, if, amidst all this, we can find no one fact, no data, no fair view of cause and effect, by which we may satisfy ourselves, or demonstrate to others, where the plain truth lies in this all-important question? In the varied and complicated operations of nature around us, which we can but partially approach or control, we have long since learned to seek out the cause from the effect, and, by observing and noting the naked facts, have thence deduced the governing principle; and whatever confusion, variety, or extent, the view may put on, we can trace the moving cause. When all the elements of the air are in commotion and at war in the storm, it is but the operation of a mute and simple principle, and all is calm again. We have learned to dissipate the thunder, and even to divert and ward off its bolts.

But amidst this mental excitement, amidst this storm of complaint and thunder of eloquence, we have yet found no sufficient philosopher, no one admitted fact, no defined result, no acknowledged principle, to which we will refer, to solve the doubts and difficulties which surround us. But, instead of looking at the naked facts, a new era of argument, and theory, and representation, seems to have ensued; and amidst all the blessings which distinguish our country, our constitution and laws are represented as despotism itself, the government of majorities as a refinement to tyranny, and all our fostering and protecting policy as spreading ruin, disaster, and desolation over the fairest fields of our country and our kindred, more doleful and sombre than has settled on the ill-fated plains of Nineveh or Babylon.

And are we, sir, in this country, at this day, to legislate on these premises? Is our favorite system indeed a warlock-spell, to haunt the land? Or has “God, for some strong purpose, steeled the hearts of men” on this strange subject? When wildness, from any cause, seizes the imagination, or one has lost his way, and all objects around seem to have changed their appearance and position, if he can but spy some hill, or tree, or stump, which he can recognise, all, at once, comes right again; and this small object, in calculating for home, or certainty, or safety, is worth all the world beside. I will not here decide which side is right, or which is wrong; but that there somewhere exists, on one side or the other, a sad mistake—an unaccountable state of opinion and feeling on the subject, both in principle and extent, none who have witnessed this debate can doubt.

In this state of mind, we may theorize forever, calculate back the duties on imports to the exporter, the producer, or his fathers; we may talk at large of revenue, and resources, and balance of trade; look abroad on agriculture, and commerce, and manufactures, as we feel, but we must come down to the simple and primitive operations of the plough and the hammer, the spindle and the oar, to rest and start our sure calculation upon. Resting upon, and supported by these primarily, sir, and not on the millions borrowed, as suggested by the honorable gentleman, [Mr. McDuffie] was England enabled to sustain herself through the mightiest struggle of modern days, and not sustain herself merely, but rise above the storm, and say, with the complacency of Juno to the gods, “*incedo*,” I march with majesty amidst the nations of the earth. And what now makes her look so thoughtful, so hungry, and so surly towards us?

Nothing so much, sir, as the spindle and loom of America, the little spinner and weaver of America, alluded to in a former debate. Give her the control of these, sir, but a few years—give her your market—pass but this bill, with its amendment, and you will soon see John Bull full fed, and something hale again; and, as he passes by, will, with increased complacency, and affected solicitude for our welfare, inquire, in his turn, what makes brother Jonathan so rugged and so sober, so as if he had lost a friend.

I agree, sir, with the gentleman, that money, circulating medium, is an immense power in all these affairs; but without the action of these little springs to keep it in motion, it is a poor, dead, inert mass. What is money to Spain or Portugal? Like the food that nourisheth not. What would it be if they had but the little spindles, and looms, and hammers of America? Sir, they would be other nations, at once, in the world, and we, without them, should be poor and sluggish; and far behind our native selves, as they are now.

And, sir, but adopt this amendment, (or its cousin-german, that figures in the morning hour,) and we shall have a Methuen treaty, and all the degrading consequences that followed on Portugal will flow upon us.

But permit me here, sir, before I proceed to the particulars as suggested, to mention the great principles which I consider as governing the protecting system in all its parts, and in all countries. It is, that the encouragement and augmentation of manufactures necessarily tend to withdraw and withhold labor and capital from agricultural pursuits, and to accumulate and retain labor and capital in manufacturing pursuits; thereby producing the double effect, on the one hand, of raising the price of agricultural products, by diminishing the number of producers, and enlarging the number of consumers; and, on the other hand, of reducing the price of manufactured articles, by increasing the competition and increasing the production; each effect being in favor of the agriculturist and consumer; and must, therefore, be the true policy of all nations where the danger of a scarcity or extravagance of price of provisions, or other agricultural productions, does not make it necessary to establish directly the opposite policy. This cannot be necessary in this country, above all others.

Yet, sir, the objection brought against this system here, is directly the opposite to this position, viz. that the operation of the protecting system increases the price of manufactures, and diminishes that of agriculture. The protecting system may be supported on the supposition of an increased price of the manufactured article, and a corresponding increased price of the agricultural article given in exchange. In this case the whole operation of the system would be for the benefit of the manufacturer, unless the farmer obtained a more uniform and permanent market thereby; but if a more extensive market for the farmer, and an increase of price above that range, ensue, the benefit accrues to both parties. But when competition, perfection, and abundance shall reduce the price of manufactures, it produces a double benefit to the consumer, and leaves but a sustaining profit for the manufacturer. This will ever be the tendency of the system until it reaches that point, and will not react on the agricultural interest, until manufacturing has fallen below all other business, from the fact that permanent manufacturing capital cannot be converted or abandoned without an almost total loss of it. I will now proceed to illustrate these ideas by facts, showing the direct effects of manufactures on our own country, and on the present course of business amongst us. The general effects produced by manufactures of all kinds are much the same on the country at large. But I have selected an article from cotton manufacture, for the purpose of illustrating its bearing on the cotton-growing States, and as exhibiting more fully than most others the effects already produced by protection.

And I have selected a given quantity, that we may avoid aggregate estimates; and, by calculating accurately the effect of a definite part, see, distinctly, by the relation, the effect of the whole. And I will suppose it manufactured in New England, as she draws the supplies for her laborers mostly from abroad, and the operation on those States which supply themselves is less distinctly seen.

I take, for instance, one square yard of common cotton cloth, at the price it bears, viz. from eight to nine cents; say nine cents, for the convenience of propositions. Four cents of this, or four-ninths of the whole price, is made up of stock, or the cotton in its raw state. The cotton-growing States cannot complain of this part of the price, as it is their own produce at the market price, not diminished by rivalry of a growing market, now nearly for one-quarter of their whole produce. Nor can other parts of the country complain, as they receive it, including less freight than they could from any other country that can manufacture for us. Four cents more of the price, or four-fifths of the remaining part, is made up of labor; which is the same as to say that this part is made up of the necessities of life: for even on this subject both sides agree, as a general rule, that the labor in production is a fair measure of the consumption that enters into it. And how, sir, is this part made up? Of the produce of every part of the Union. The rice, corn, and tobacco of the South, and the sugar and molasses from farther south; the flour pork, lard, and grain from the middle and western States; the fur and skins from farther west; drawn, in short, with mixed and varied proportions, from every part of our country, and every class of producers, leaving but a minor part to be supplied by the local markets. Can any part of the Union complain of this portion of the price? It is their own produce, at their own price. Is it the interest of the country to subtract any thing from this part of the price, or compose it of other materials, or the products of other countries? Can we, so far as we have yet proceeded, destroy any part of that manufacture, without, at the same time, and to the same extent, destroying the market and the consumption of our agricultural products? Or can any part of the price be reduced, but by reducing the price of the agricultural products which compose it? Eight-ninths, therefore, is not the manufacturer's price, but the agriculturist's price: it is his production converted into it; and, when consumed or exported, it is virtually the consumption and exportation of his products. One cent of it, or one-ninth, remains to go against the capital and care of the owner. And how is it with this? The capital is brought into operation by labor, in erecting his buildings, his dams, his flumes, his machinery, and tools; and all this is done and paid for by the same kind of provisions and necessities, drawn from every part of the country, including here the iron and coal of Pennsylvania, the lumber of Maine, and the oil of our South Sea whale men, and some few materials from all other parts of the world, which we have not yet, but may soon supply ourselves with from our own native resources. And as to that share which goes for the care of the owner, which is not an envious portion at this time, not exceeding or equalling what belongs to every other business in the country, even the raising of cotton, rice, and tobacco. And what is the condition of this small item, as the manufacturer is situated? If he supplies his own family with necessities, if he extend his manufactory, he calls in and uses the same round of materials and provisions: if he build a house, or if he even is enabled to improve his adjoining lands, the labor is principally paid for in the same way. Thus the whole price is made up of, produced from, and sustained by, agriculture, and all one continual round of operation upon the other labor and capital of the country. No part of the capital expended in establishing or operating manufactures in this country can be brought into operation, till it has first been an agricultural opera-

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tion to the same amount. If some few foreign articles in some stage are used, the demand for them is created by the manufacturer, and they are in general paid for by some article that we can export; and in this way a market is created for that article also. And thus our whole manufacturing system is but one vast national machine, not manufacturing the staple, or raw material only of which the article is composed, but converting into it all and every production of the earth which the producer chooses to bring into market. Those, therefore, who supply the stock and provisions for manufacturing labor, are alike connected with, and interested in, manufactures, with those who supply the labor and capital. The southern, western, and middle States, as far as each may supply, have a joint stock interest, and to all beneficial purposes are copartners in the whole manufacturing business of the eastern States; one supplying the labor and capital for the agricultural product, the other supplying an equal quantity of labor and capital in consuming it.

Yet it is objected that the markets created by the eastern manufactories are local. They will, of course, be local, so far as means and convenience make them so. The expense of transportation will, of course, come into the account.

But the present facilities for transportation, and the richer soils of other sections of the country, overcome it. The town of Providence only, calculating from years past, and the progress of things observable, will, no doubt, draw from the southern, middle, and western States, during the present year, more than one hundred, probably more than one hundred and twenty-five thousand barrels of flour, more than half a million of bushels of corn, and pork and grain, and other necessities of life, in equal or greater proportions, principally for the supply of the surrounding manufacturers, and other businesses connected with them. Yes, sir, this one town is a greater market for the grain-growing States than Great Britain—buys double the quantity of their flour, and, including corn, pork, and beef, receives three times the amount of their agricultural produce, notwithstanding the millions of her manufactures we annually import from her.

The demand for consumption this year, created by our eastern manufactories, and drawn from other parts of the Union, will probably exceed one million barrels of flour, two million five hundred thousand bushels of corn, with nearly an equal proportion of pork and beef; something more, probably, than we export of them to all the world beside. Sir, all the grain and provisions that England will take of us, will hardly pay for the hose and gloves she manufactures for us.

I have spoken of things in general terms; but statistical accounts will bear me out with sufficient accuracy for this general view. It has been triumphantly asked, [by Mr. McDuffie] what interest has the West in manufactures? Is the market I have mentioned for more than half their surplus produce, nothing? Is it not one source of their present activity and prosperity; and that which renders their country and their cities, their canal boats and their steamboats, one continued scene of life, and bustle, and business?

Let our friends there look back to their situation eight or ten years ago. It is not the introduction of steamboats, but the business for them, that makes this change. Sir, the whole course of the business of the East and West and South contradicts the idea that our markets are local. The facilities which nature has furnished us; the efforts of genius and enterprise, aided by internal improvement, the handmaid of prosperity and union, are bringing all parts of our country together into familiar intercourse, into one entire market, one connected business. The rise or fall in the price of provisions in Hartford or Boston is felt in New Orleans or Cincinnati, as soon as the mail can reach there. What is passing on the Ohio canals to-day, may be in our New England packets to-morrow.

The word local, as to our markets, will soon be almost without meaning. It is not to me "too lofty a magnanimity, too expensive a patriotism," even "for practical use," to consider the Louisville canal, or the improvements at the Muscle shoals, improvements for the inhabitants of Connecticut or of Maine.*

They may cheapen the price of a barrel of flour, in the New York or Hartford market, to the amount of convenience yielded to the seller there. They may facilitate the transportation of a bale of domestic manufactures, going to market there, as much as the like improvements at the manufactory, or anywhere else where it may pass. When the American system shall fully prevail, internal improvements and manufactories together, and we shall be bound together by their mutual interest, assistance, and dependence, we may with assurance and significance say, with our motto, "We are one."

The present is a new era in the world in all manufacturing business. Some nations are pressing on each other, not merely from national policy, or individual gain, but with the violence and frenzy of starvation and desperation; and some withdrawing, as far as may be, within their own native resources.

It might be otherwise in other times; but, in the present state of the world, our laws are our protection. The necessity we have seen for the present bill, the immense sacrifices of foreign goods in our markets, the distress of our rival, the precautionary protecting policy adopted by most other nations, all show a desperate state of things, that will press in upon us like a flood where the least barrier is removed. But, suppose the friends of the anti-tariff policy shall prevail; the barriers to the introduction of foreign goods be removed; the business of New England be prostrated; the manufactures of the middle States; with the agriculture dependent on them, be paralyzed; the markets of the western States, to half their amount, be destroyed; and we begin to import from abroad for the purpose of sustaining the market of rice, cotton, and tobacco, in England, according to the demands which have been pressed upon us; half the ability of the nation to import and consume, by the process, has been taken away. Nay, more, for consumption cannot long exceed exports; and we have been told in the protest, and we know by the stubborn fact itself, that two-thirds of the Union supply but one-third of its exports. The very efforts, therefore, which the South are making, will, by destroying the ability of the other two-thirds of the Union to consume what might be taken in exchange for their staples, prove their own ruin, to the same extent they may succeed.

But, suppose, again, that the free trade system shall prevail, and the whole world become one family, we must cast about over the whole to see how we may then stand with it. We have all seen the time when, with an immense drain of specie, our whole supply of coarse cottons came from the Indies; and we have seen this market, by the invention and introduction of labor-saving machinery, wholly broken up. This machinery is now lately introduced there; and the myriads who feed on pulse, and work for life merely, may again be brought into competition with England and ourselves, in our own market. With this machinery, they now have the same comparative advantage in labor and machinery, which raised and sustained that trade. And, chimerical as it may seem, in less time than we have seen it wholly swept away, and with a change far less extraordinary or uncalculated, we may again see the same thing return upon us. It is now much easier to transport machinery there, or build it, than it was to invent, improve, and build up this whole system, and with an opportunity its progress could hardly be counted—less chance and prospect have changed the face of many nations.

* Expressions made use of by the Hon. P. P. Barbour, in his late speech on Internal Improvements, repelling the idea of the nationality of canals, &c.

Again, sir, if the protecting system is to be abandoned, it will be no more than fair that the duty on cotton should be repealed, and our manufacturers have an opportunity in our markets for the staples of Pernambuco and Surinam, or the finer and cheaper growth of some of the interior provinces, which enterprise and internal improvement may some time bring into the markets of the world. Great changes may produce great changes which we may not think of. Many of the great revolutions in trade and commerce which we have witnessed have been wholly uncalculated and unexpected. And, sir, there is, in this state of the world, danger of changes for the South as well as the North to consider. One depends on his manufactures, and the other on his staples; and these, if we could but see it so, are mutually dependent on each other. The western and middle States have a middle and mixed interest, can manufacture and supply the material mostly within themselves, and are in these affairs more independent. If there is any one cardinal imperative policy, never to be lost sight of by those States which either depend on supplying the agricultural products for the raw material, or support of labor, it is to create, retain, and establish, somewhere, a dense population of consumers, giving competition and stability to their market, balancing foreign fluctuation and control, secure in peace and war, joining convenience of intercourse and mutual exchange. Sir, this contest between the South and the North is most unfortunate, most unnatural; not suicidal merely, but, like two fond lovers, sacrificing each other for fancied blisses they know not where or what.

I come now to my last position. The time has now arrived when we may in a great measure lay aside theory on the subject; what has been but foretold by the friends of domestic industry, has become reality.

It may now be laid down, as a proposition established by our own experience, and demonstrated by existing palpable facts, and liable to fewer exceptions than most others in political economy, that those articles of domestic manufacture which are fairly protected, and have had time for experiment and maturity, now are, and can be, supplied by our own manufacturers at a lower price than those of any nation of Europe do, or can, or will supply them for us; leaving the great advantage of mutual exchange of products to be superadded.

I am sensible it will be said that woollen manufactures, which have so long been struggling with the many and various embarrassments which have haunted them, do not come wholly within this rule. Yet it is known that many parts of most articles in this manufacture, and many entire articles, are manufactured cheaper in this country than in England or Germany, where, in some respects, as well as in France, there is now a superiority in this business, even over England.

But it will be recollected that these embarrassments were the principal cause of introducing the bill now before the committee, and the principal object of the bill is to remove them; and that the principal effect of the amendment will be to increase them, and prevent this most important manufacture from gaining that stand which those more fortunate have already attained. The great struggle between England and America, at this time, is for the command of our market—not so much for present gain. England will not thank us for a market under the full operation of our own competition. Her present principal object is to worry out our manufacturers, and thus avoid our competition, and thus command our market, and thus control the price. Were it not for this state of things, which their immense capital enables them, and their state of starvation urges them, to press at all points upon us, as long as there is life or hope, the necessity for protecting duties on those articles might cease. The better to illustrate the general positions I would establish, that the effect of the establishment of manufactures generally is to reduce the

price of manufactured productions, compared with agricultural productions, and the effect of domestic manufactures to reduce the price in their own markets, compared with those of other nations, it may be necessary to inquire more particularly whether the price of manufactures generally has, during this general depression under which we all labor, fallen more than that of agricultural products; and whether our domestic manufactures have fallen in price below the common level of the manufactures of other nations.

As to the first proposition, a bare inspection of the prices each species of product has sustained, from year to year, for some time past, and their present prices, must be sufficient. And though the proposition, particularly with respect to the extraordinary fall of coarse cotton goods, (which I have chosen for my illustration,) is generally admitted, its force is attempted to be evaded, by alleging that the effect in this case has arisen from peculiar causes, not generally applicable, viz. the great improvements, of late, in cotton machinery. There is, sir, so far as I understand it, a great mistake in this suggestion.

Since the tariff of 1823 or 1824, sir, and for some time before that, while cotton goods of some kinds have fallen from forty to fifty per cent., the improvements in machinery in England have not amounted to one per cent. on the manufacture, nor has their skill in operation improved much in that time. The manufacturers used machines constructed on the same principles, the same draughts and proportions of the parts, and the same comparative speed between the several motions, and, for the most part, the same general movement, except some increase of speed in coarse work, and that not general. Weaving was perfected in the introduction of the power-loom, and perfect roving, which was for a long time a desideratum in the manufacture, was supplied in the cone-spedder, conceived and attempted by Sir Richard Arkwright, and long since perfected by others.

An improved machine for cleansing and batting cotton has more lately been introduced, but used but little, except for the finer and nicer fabrics, and of no account in the present calculation. Some evident improvements, particularly applicable to coarse work, have been introduced in this country, but have been seldom and doubtfully admitted into English manufactories. And though occasional attempts have been made there at improvements, during the general depression, they have generally been abandoned for the operations and calculations used six or eight years ago. The great reduction in price, therefore, is not attributable but in a small degree to the late improvements. Competition is the wand that has brought it low.

I will next inquire whether the American manufacturer can supply the same articles at as low or at a lower price than the English manufacturer. An idea is very prevalent, that the comparative price of labor in this country and in England must be conclusive against my position. The difference is conceived to be much greater than it really is. We know there is some difference in price between their and our sailors, soldiers, fishermen or farmers, or ordinary mechanics; but it is also known that their foremen, overseers, and scientific mechanics, who constitute a large portion of the expense in manufacturing, command much better wages in England than in this country; and it is well known, too, that a much greater proportion of women's and children's labor is introduced into our manufactories; so that, on the whole, there is probably no great advantage on either side, in this respect.

Another objection commonly urged is, that our manufactories and machinery are inferior to those of the English. On this subject, I believe a great mistake prevails. I mean to confine myself to such manufactures as have had time to be perfected. It is well known, sir, by those who are conversant with the business, that the manufactories and machinery of this country, for beauty, convenience,

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practical calculation, and perfection, are fully equal, if not superior, to any in the world. Many English manufacturers acknowledge it; and, as satisfactory proof on this point, I may allude to the fact, that the agents of the Prussian Government, after travelling over Europe and the United States to obtain the most perfect models and machinery for the establishment of cotton and woolen manufactories in their country, selected mostly American models and machinery of American workmanship. Again, it is said the British manufacturer has more skill, and can perform more in a given time and opportunity. Sir, on this point, the American manufacturer claims an advantage in vigor, activity, versatility, and perseverance. The moral and mental stay drawn from our institutions; the liberality of thought and action; the free choice of expedients; the unrestrained exertions of genius; the spirit of enterprise and ambition, which a land of freedom and independence inspires—all unite to render his exertions more effective and successful, than the dependent, monotonous, hireling labor of any despotic Government on earth.

In all things, in this country, aside from manufacturing, by sea and by land, in peace and in war, a general complacent consciousness of superiority seems to prevail. In the region now embracing our southwestern States, where, under the dominion of kings and despots, population and cultivation for centuries almost were confined to contracted, isolated settlements, with little intercourse, increase, or extension. But when the banner of our constitution was spread over it, and the spirit of freedom breathed upon it, population, cultivation, activity, and improvements, and all the blessings of civilization, spread around it like enchantment. The spirit of liberty, sir, is as visible and prevalent in our youthful manufactories as in our youthful settlements. Add to these considerations, that the price of provisions, especially, and many other of the necessities of life, is at about one-half the price in this country that it is in England; that the Englishman, for the expenses of the Government, in tithes, taxes, imposts, excise, and exactions, pays about seven dollars to the American's one—amounting, for a family of common size, to about seven dollars per month. To this add freight and ground rent, and all their other great expenses and embarrassments, and we may, I think, readily conceive that we can manufacture cheaper than England or any other nation of Europe. My next object will be to show this from existing facts.

I proceed, therefore, to give to the committee, in proof, the palpable facts I alluded to in the fore part of my observations.

We know that coarse cotton cloths, below about No. 25, have been fairly and fully protected; from that to about No. 45 or 50, partially protected; above that, very slightly, including what are termed in our tariff, cambrics, muslins, &c. And what has been the result? Why, sir, while the fine cottons, which include a greater proportion of labor, and should have fallen lower, have only fallen from fifteen to twenty-five per cent. (not so much as your agricultural produce in the same time,) coarse cotton goods have fallen from fifty to seventy-five per cent. This case I have put for the double purpose of exemplifying the effects of our protection and competition in those articles we manufacture, and to show the use the foreigner makes of our market, as far as he supplies and controls it. I will give another instance, exemplifying the same effects, more palpable and decisive probably. I mean common crockery ware, and common glass ware; both imported and sold by the same class of merchants generally.

Glass and glass wares, we know, have received such protection as to excite powerful competition.

While the manufacture of common, enamelled, and printed wares has as yet scarcely been attempted in this country, some brown wares and imitation Delphian wares

have been common, and some new manufactories of porcelain are now lately promising success. But the common Liverpool ware, as it is often called, has at all times occupied, commanded, and controlled our market, and regulated its prices. And what has been the result? Much the same as in the other instance, except as this article has had no rival in this country, the effect is more perceptible.

While one has hardly fallen fifteen per cent., the other has, in many branches of it, fallen seventy-five per cent. And the opposers of this system, who complained so much of its injustice and oppression, are now actually saving twenty-five per cent., or more, on their glass wares, in consequence of this protection, and losing the same amount on their earthen wares, for the want of such protection.

I will illustrate the effect of protection on ourselves, and the consequence of the command of the market by others, in another way. It has been considered a paradox in trade, that the American manufacturer should be able to compete in foreign markets, in South America and the Indies, with the British manufacturer, and yet need protection against him at home. That we have done it, is evident from the fact that our trade in domestics in those countries at one time was prosecuted extensively, and the effect of it is evident from the fact that, immediately on the knowledge of this, a duty of twenty-five per cent. was laid on our domestics, to exclude them from these markets, and even this has not wholly effected the object. In the South American markets, too, the same dread of our competition is manifested in the unceasing exertions and intrigue there, by English agents and English capitalists, to procure discriminating duties and embarrassing regulations against our trade; in which it is known they have too well succeeded, and we are, in a great measure, outmanaged by them in this business, in most of the American markets except our own; and if this amendment succeeds, they will have accomplished their object here. Sir, the per centum and ad valorem worth of the passage and rejection of this bill has been already calculated from your gallery, certified and countersigned in New York; and stuck up in significant handbills in every magnanimous stall in Liverpool, where they vend political economy and manufactured patriotism (as well as flimsy wares) for importation and consumption here. But, sir, the great mystery of our competition, in foreign markets, is that the English manufacturer cannot, and, if he could, he will not, (where he can avoid it,) sell his goods at our present reduced prices, where he can command the market.

The American manufacturer asks no better business than to sell his goods at the English market price, where the English manufacturer and merchant has the trade. One more instance, and I have done.

The English manufacturer, it is well known, has, for a long time, enjoyed a great and important trade in cotton yarn with the nations in the North of Europe. This is there manufactured into cloth. Any stuffing, imperfection, or deception, which might go off well enough in cloths sold here or there, must be avoided to retain this market. It is, therefore, policy for the manufacturer to make this an honest, fair article, and of course it is a fair article to compare prices upon; a fair criterion, and probably the only exact one in the whole range of our rival cotton and woollen manufactures. The English manufacturer, it is well known, is in the habit of putting the American stamp and mark on his own fabrics, from a consciousness of the difference in the value in goods of the same appearance.

How then stands the comparison? I have known for some time the general fact, that we were underselling the English manufacturer in this article. I have now a statement of the market prices of cotton goods generally in Manchester and Philadelphia, and the price of yarns, collated and compared, from No. 12 to 30 inclusive, which any gentleman may examine if he please, and have evidence

of its accuracy, and he will find that the difference is nearer six than five per cent. in our favor. One thing more will appear from the examination, viz. that you can purchase one pound of good cotton cloth, of American manufacture, at about the same price that you can a pound of yarn in the English market. Sir, strange as it may seem, the American manufacturer, if he were permitted, could make a good business in sending cotton yarn and cotton goods to a British market, to Manchester itself.

In the other examples I have given, a general idea of the comparative difference of prices was intended only. This permits of accuracy, and may serve as a sample of the general and comparative state of the whole business, so far as our policy has extended.

Need any thing more, sir, be said to prove or demonstrate what I have proposed or asserted on this subject, viz. that the protection of domestic manufactures has had the effect to reduce the price of them in our own markets below the average of the prices of the same manufactures of other nations, and that American manufacturers do, and can furnish their fellow-citizens with all those articles, where the manufacturer is fairly protected, at lower prices than any other nation does, or can, or will furnish them for us.

If these things are so, it must settle this whole question, both in principle and practice; for, however extensive or confined our reasoning, theory, or speculation on this subject may be, if the country obtains its manufactures at a reduced price, in consequence of their protection, injustice, violence, and oppression, so much talked of, have ceased.

I had, sir, intended to have taken another and more general view of the relative claims and present attitude of the opposite parties in this question; but having already, as I find, extended my remarks to a greater length than I had proposed, at this late stage of the debate and the session, I shall close here, satisfied that if the intimate and friendly connexion between our manufactures and the agriculture of the South, Middle, and West, is, by some, yet unappreciated—if the assistance of our manufactures in producing the present extraordinary reduction in their prices throughout the whole country, beyond all former precedent and calculation, is, by some here, treated with indifference, the system is, by its own effects, fast establishing a character for itself.

Mr. CAMBRELENG followed, in a speech of the same length, in an examination of the bill, to show that it was inadequate to the object proposed; also, in reply to some of the views expressed by Mr. McDUFFIE on the one hand, and Mr. DAVIS on the other.

Mr. BATES, of Massachusetts, spoke a short time in reply to some of the remarks of Mr. CAMBRELENG.

Mr. EVERETT, of Massachusetts, next rose, and addressed the committee more than an hour, in reply to Mr. McDUFFIE and Mr. CAMBRELENG, and in a general argument on the subject of debate. At four o'clock he gave way for a motion for the committee to rise, which prevailed.

SATURDAY, MAY 8, 1830.

NAVIGATION AND IMPOSTS.

The House resumed the consideration of the bill reported by Mr. CAMBRELENG, respecting navigation and imposts.

Mr. STRONG rose, and addressed the House against the bill, until the expiration of the hour, without having finished his remarks.

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The House again resolved itself into the Committee of the Whole House on the state of the Union, Mr. POLK in the chair, on the bill to amend the act in alteration of the several acts imposing duties on imports.

Mr. EVERETT, of Massachusetts, resumed, and addressed the committee two hours in continuation and conclusion of the speech which he commenced yesterday.

Mr. E. said, that, being compelled to give a vote on the question now before the committee, he felt it his duty to submit the reasons which would govern him in giving that vote. And, in the first place, [said Mr. E.] I shall make one or two remarks in reply to the observations of the gentleman from New York, [Mr. CAMBRELENG] who has just taken his seat. I cannot but acknowledge that there is a better foundation in truth, than I could wish, for a portion of his remarks, and most assuredly to the extent in which they are so founded in truth, they show that the amendment ought not to prevail. The gentleman from New York admits that the manufacturers of New England (and of course among others, of my constituents) are in a depressed state. I thank the gentleman for the admission. In general, they are thus depressed; too many of them to the point of annihilation. What then becomes of the pictures which have been so freely drawn of our manufacturers in this debate, representing them as hungry monopolists, fattening on the distresses of the country, as purse-proud aristocrats, who have filled their pockets with money wrung by iniquitous laws from the hard earnings of the people? The manufacturers are many of them extremely depressed. Much of this capital has ceased to be productive. Some establishments, conducted with seeming prudence and care, have been broken down. Prodigious losses have been encountered, and large fortunes shaken. I beg the committee to give full faith, to this extent, to the description of the gentleman from New York, and contrast it with the view taken of our manufacturing interests by almost every other gentleman who has spoken in this debate on the same side of the question.

Another reflection forces itself on my mind, in consequence of the statement which the gentleman from New York has given of the condition of our manufacturers. Is this period of great and acknowledged depression a well chosen time for throwing down the whole system of legislation, on the faith of which these investments of capital have been made? If the manufacturers are so depressed, that they can scarce hold their heads above water, is it a moment, either kindly or wisely chosen, to strike in upon them, with a sweeping repeal, not only of the law of 1828, but of that of 1824, and, in addition to the pressure of the times, to withdraw from them the legislative protection under which, as you yourselves say, they have been forced into being? Surely not. By whatever arguments a gradual reduction of duties could be defended, the sweeping ruin of what is left of this branch of the national industry, by an act of legislation unheard of for comprehensive violence, would be wholly indefensible.

The gentleman from New York said that the laws of 1824 and 1828, imposing duties on imports, were the result of political speculation, the contrivance of ambitious men, and intended to effect the election of a New England President. If this is the case, it must be admitted that the New England delegation pursued a singular course. A large majority of its members voted against the laws.

[Mr. CAMBRELENG explained, that he did not apply that remark to the law of 1824, but to that of 1828; that, after the passage of the law of 1824, the manufacturers of wool complained that they suffered by the duty on the raw material, and that this duty was increased by the law of 1828, which therefore must have been supported from political calculation.]

Sir, [continued Mr. EVERETT] it needs no political calculation to lead men to take measures to preserve themselves from ruin. The manufacturers of wool found themselves in a state of great depression, after the passage of the law of 1824. What they had foreseen before its passage, had come to pass. The benefit they might have derived from the increase of the duty on cloth had been, in

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various ways, rendered unavailing; and, among others, by the enhanced duty on wool. It was not their fault that it was laid on. They sought a revision of the tariff, in which this evil would be remedied. The law which was passed in 1828, was not such a one as they desired. A majority of those most interested in the woollen manufacture, (a very large majority of the Massachusetts delegation,) voted against the law. Some of the representatives who voted for it, voted for it not as a good law, but as the best law they could hope for. They knew that the interest of the farmers must be consulted, and that no law could be passed which did not reconcile that interest with that of the manufacturer.

If the law of 1828 was passed from political calculations, let those who effected its passage from such motives be responsible. Those calculations are unknown to me, as forming any part of the motives of myself or those with whom I acted. On its passage through the House I voted against it. In the Senate it received some important modifications. On each of these, when the bill with its amendments came back to the House, I voted according to my opinion of its separate merits. How I should have voted had there been a question on the passage of the whole bill as amended, I will not undertake to say.

The gentleman speaks of consistency; of taking up a principle one day, and laying it down the next, and this from motives of political calculation. I ask no other principle to justify me, in every vote I have given on this subject, than that which is laid down in the report lately made by the gentleman himself, as chairman of the Committee on Commerce. "In adjusting," says the gentleman in that report, "a maximum and permanent rate of duty on foreign merchandise, to suit the political plan of a confederacy, and to regulate our intercourse with foreign nations, the committee are sensible of the necessity of having a just regard to the prosperity of our manufactures. The question is not now, whether we will or not establish protecting duties; that must of necessity be waived; the duties and the manufactures already exist."

That is the principle on which I act. It is a sound one. It is not for us, who, proceeding on this principle, support laws necessary to save the manufactures from ruin, to defend our consistency. That must be done by gentlemen who, holding the principle, are for repealing the laws. The abstract question of free trade is not before us. The system of commercial intercourse most advantageous to be pursued by all nations, if all would agree, in good faith, to unite in it, is not under consideration. The arguments which may be adduced on the expediency of embarking, for the first time, in the protecting policy, are not pertinent to the occasion. The duties have been laid; the manufactures have been brought into being. Capital has been, in many parts of the country, forced into this channel, against the known current of public sentiment. And now the question is, shall we consent to a sweeping repeal of these laws, and especially at a period which may be looked upon as a crisis in the fate of the manufacturers? Shall we break down the feeble barrier left against foreign competition, and the fluctuation of foreign markets? Such is not the view which I take of my duty to the interests committed to my charge.

It is the duty of every member of this House, who sees the lawful industry of his constituents in peril, especially if that industry has received its direction immediately from the legislation of the country, to take care that, under an adverse influence of the same legislation, it be not crushed. I know we are to pass laws for the whole people; and authorities of high note are quoted to us, from Great Britain, to show that we are to legislate for general and not for sectional interests. The case, however, of the British Parliament is widely different from that of the American Congress. Parliament is constituted with very little regard to geographical representation, the principle which lies at

the basis of this House. If each member of this House does his duty, with intelligence and firmness, to the people who send him, I believe the interests of the country are much more likely to be consulted, than by striving after projects which shall at once comprehend the whole.

But I would not, from these remarks, have it thought that I feel it my duty to have an exclusive eye to the manufacturing interest, on the principle of representing my constituents. The district which I represent, extends to the seaboard. Many of its inhabitants are directly concerned in commerce, and the industry of still more is closely dependent on the prosperity of the neighboring commercial capital. Shipbuilding is a very important branch of the industry of those I represent; and some of the first vessels in our commercial marine are constructed by them. With all this, however, the mass of the people who send me here are farmers—the yeomanry of the country, who get their living from the soil, by the labor of their own hands. I ought to be led, and I hope I am led, in this way, to take a large view of all the great branches of national industry, and of their connexion with each other. It is true that some of the largest and most important manufacturing establishments in the United States are also in my district; but, important as they are, I should not feel justified in sacrificing all other interests to them. I will endeavor to pursue a course consistent with their common prosperity.

But I do not find such a course in the proposition which the gentleman from South Carolina [Mr. McDUFFIE] has brought forward, by way of amendment to the bill before the committee. His proposed measure I regard as threatening immediate and entire ruin to the manufacturers, and consequential disaster to every other branch of the industry of the country. I consider it my duty, therefore, to go, at some length, into the examination of it. In doing this, however, much that I might have attempted to say has been anticipated. The argument against the amendment of the gentleman from South Carolina, and the examination of his course of reasoning, have been so ably pursued by my colleagues, [Messrs. DAVIS and GORHAM] that it will require no little caution, on my part, not to tread again over ground which has been so ably pre-occupied.

Did I agree with the gentleman from South Carolina, either as to the principles on which he proceeded, or the facts which he assumed, I should, in conscience, be obliged to go with him, and lend my aid to break down, as rapidly as possible, the protecting system of the country.

The gentleman stated, that a "reference to the treasury statements of the commerce of the United States will show that the whole amount of the domestic productions of the United States, annually exported to foreign countries, taking an average of years, is something less than fifty-eight millions of dollars. It may be estimated that those portions of the southern and southwestern States, which are engaged in the production of the great agricultural staples of cotton, tobacco, and rice, (constituting less than one-third part of the Union,) export to the amount of thirty-seven millions of dollars, and those portions of the States just mentioned, which are engaged in the production of cotton and rice, (constituting less than one-fifth of the Union,) export to the amount of thirty millions of dollars;" and the gentleman went on to argue that the amount of imports in these parts of the Union must be equal to this amount of exports, and consequently that a proportionate amount of the duties on imports (equal to two-thirds of the whole amount paid into the treasury from the duties on imports) is levied on the States growing rice, cotton, or tobacco.

I have looked at the treasury statements for the last eleven years, being as far back as I have the means at hand of pushing the inquiry, and I find that the average annual export of the three staples of cotton, rice, and

tobacco, has been, not thirty-seven millions, at which the gentleman estimates it, but thirty-two millions, (or, in exact figures, thirty-two million sixteen thousand four hundred and sixty-five dollars,) and the average annual export of the single staple of cotton alone is not thirty millions, but less than twenty-five millions of dollars.

The average amount of imports for consumption, for the same period, I have not had the means of estimating. For the last five years, however, I have done it, in the following manner: I have taken the entire import, and deducted from it the amount of foreign merchandise re-exported. The remainder may be considered as giving, in a series of years, the average amount of foreign merchandise imported for consumption. This annual average I find to be, for the last five years, just sixty-one millions (\$61,002,658) of dollars.

The first remark, then, that I shall make, in reply to the statement of the gentleman from South Carolina, is, that, even on his own principles, he has greatly overstated the amount of duty paid by the staple-growing States. The average export of the staples is thirty-two millions, not thirty-seven; and of the chief of them, cotton, twenty-five millions, not thirty. The average amount of imports, consumed in the country, is sixty-one millions. Of these, the staples, in the gentleman's own view of the subject, pay but thirty-two millions, very little more than a half. On the other, twenty-nine millions, if it be only granted to me that they are not given to the consumer, that they are somehow or other bought and paid for, the planter of the staples does not pay the duties. These twenty-nine millions, out of sixty-one, whatever they consist of, tea, coffee, silk, wine, cutlery, woollens, linens—whatever the articles are, must be paid for by the consumer; and paid for by some articles produced by him, or the fruits of his labor, in one form or other. In a word, on the gentleman's own view of the subject, (which, however, I shall strive to show is unfounded in principle,) the States that grow cotton, rice, and tobacco, pay but one-half instead of two-thirds of the duties. With respect to the remaining half, the rest of the Union may, with equal propriety, adopt the language which the gentleman puts into the mouth of the southern planter. We pay the duties on them, for they are paid for by our produce, or the fruits of our industry.

It is true we have no great staples. The gentleman from South Carolina said, we exported nothing but a few hundred thousand dollars worth of potash.

[Mr. McDUFFIE said he spoke of exports to Europe.] But if we send nothing but a few potashes to Europe, I should like to know what Europe gets for all her products, which we consume. There may be but one link, or ten, in the chain of communication; but, eventually, the great amount of European produce, which the northern and middle States consume, must be paid for by the exportation of the fruits of the labor of those States, and for this reason the duties on that merchandise must, on the gentleman's principles, be paid for by those States. But the truth is, our exports are not quite so insignificant, as to be passed over without enumeration. The rice, which he thinks alone worthy, with two other southern staples, to be specified, was, last year, but about one-quarter part of the vegetable food exported. The fisheries, in their various branches, yielded over one million eight hundred thousand dollars for exportation. The productions of the forest fell but a little short of four millions; and various articles of manufactures exported, amounted to nearly six millions. In addition to this, was the great item of tonnage, the value of which, in its total amount my colleague [Mr. GORHAM] has estimated at eleven millions per annum. These are the products, by which we pay for our imported merchandise. It matters not in what form the payment is made. It may be rice, cotton, and tobacco. It may be fish, timber, or freight. The result is, that sixty-one millions are annually imported for con-

sumption, and pay duties; and that, as the staple-growing States export but thirty-two millions, the other States must export twenty-nine millions at least, and pay taxes on that amount of the imports, on the principle of the gentleman himself, and those who hold this new theory in common with him.

It is true, our products do not strike the imagination like those of the genial South. They are frequently named, only to be derided. Another gentleman from South Carolina [Mr. BLAIR] speaks of our clocks and notions; and I ought, perhaps, to thank him for not adding wooden nutmegs to the list. But the products which we exchange for our foreign merchandise represent the skill, the industry, the freedom of our laborious free citizens. Do the exports of other States represent any thing better?

We are told of the rich fruits which a Divine Providence has bestowed exclusively on the southern portion of the country, and are left to infer a somewhat painful contrast with its less favored regions. Sir, I will be led into no such contrast. I admire, as much as any gentleman on this floor, the display of the bountiful provision which has been made for our southern brethren; and I wish them cordially the full enjoyment of it. I have witnessed it, under circumstances to give it all its force, upon the senses and the imagination, having, in the space of three weeks, in the course of the last year, passed from a region covered with ice and snow, to one where the orange tree and the pomegranate were in flower, and the sugar cane and cotton plant covered the soil. I feel and appreciate the richness of these natural bounties; I rejoice in them as the gifts of a kind Providence to my native land. *Haud equidem invidio miror magis.* Our lot is cast in a region less favored in this respect, but not therefore to be disparaged. No, not in the amount of its products, which equals that of those rich staples.

Then, too, is to be considered, and this alone is an answer to much of the gentleman's argument, that these southern staples represent no small amount of the fruits of the labor of the other States. But for this, it would be absolutely unaccountable and incredible that three millions of the population should export to even one-half of the amount of the foreign merchandise consumed. Let any man consider the distribution which the cotton planter would make of the avails of his crop, if he brought it himself to Charleston or New Orleans, and exchanged it in the way of barter for his supplies, and he will find that a good portion represents the labor of the West and North. This explains what would otherwise be inexplicable, that in a country so large as this, and indulging in so large a consumption of imported merchandise, three millions of the population, confined to one part of the Union, should export even one-half of the returns, and the great and rich consuming States of Pennsylvania, New York, Ohio, and all New England not the other half.

The solution is, that what, in its last form, is a southern staple, is, in reality, in part, the produce of the other portions of the country. Of the European articles received in return, the planting States pay tax on that portion which they consume, and no more. No more, on the gentleman's own principles: for every consumer is a producer. He pays for what he consumes by what he produces, and can pay in no other manner. And what he consumes he takes with all its burdens.

But it is replied to this, although the southern States do not directly consume the whole of what is brought from Europe in exchange for the staple products exported by them, yet that the various articles of supply which they obtain from the manufacturing States (the indirect exchange of their staples) come charged higher, by all the amount of the duty. In reference to my present purpose, which is to refute the new doctrine, (that the exporter, and not the consumer of the article imported, pays the tax) it is a sufficient rejoinder to this, that, in this case,

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the planter pays the tax as a consumer, not as a producer. To this point, in fact, we return at the end of every illustration, and we see in it the entire fallacy of the novel propositions advanced on this subject.

Another consideration will put this in a still clearer light. The gentleman from South Carolina maintains that the planter pays the tax on the imported articles received in exchange for his exported staples; and this tax he puts at an average of forty-five per cent. Now, then, it is clear, that, if this tax were removed, if the planter had formerly paid it, he would now save this forty-five per cent.; he would put it in his pocket. South Carolina, for instance, supposing her now to be making no profit whatever from her agricultural staples, would, if the tariff were repealed, make forty-five per cent. on the yearly amount of the crop; and each planter would receive that clear income. Out of every one hundred bales which he sent to market, forty-five would be clear profit, supposing him now to be making absolutely nothing. This, I say, is the consequence of the new doctrine, that the planter pays the tax. But can any man seriously believe it, that such a state of things would last a day, or any longer than would be necessary for the adjustment to take place, which is inseparable from every change in the condition of a branch of industry. The planter would not, probably, pocket one farthing of this forty-five per cent.; and why not? Because those who were disposed to hold up their cotton at the old price, and make a profit of forty-five per cent., would find neighbors content with forty, and who would sell at forty, and this would bring the market price down to forty per cent. profit. But thirty-five per cent. would content others, and thirty per cent. would content others, till, in the end, those whose necessities obliged them to sell, would be ready to sell at the old rate, that is, forty-five per cent. cheaper than they sold while they paid the tax, now taken off. This would bring down the price of the whole article in the market, and the planter would find that the only effect of producing his staple forty-five per cent. cheaper, would be that he would have to sell it forty-five per cent. cheaper; and how would this mend his condition?

I shall be told, perhaps, that if the price of the article were thus reduced, the demand for it would be proportionably increased, and so much the more would be raised and exported from the southern States. But this would not remedy the evil now complained of, that of low prices. It would only increase the production at the present prices. Cotton lands now uncultivated would be brought into cultivation. If the state of the cotton planters be such as is described to us, this is an event rather to be deprecated than wished for. No advantage, therefore, would accrue to the planters from the repeal of the tax, beyond that which he shares proportionably with every other member of the community, in the alleviation of the public burdens.

The gentleman from South Carolina admitted, as a general rule, that the consumer paid the tax; but he said the case of the southern planters was an exception to this rule; they were a class of producers, who could not throw the burden of the tax on the consumer, but must pay it themselves. My worthy colleague [Mr. GORHAM] admitted two cases where the producer did pay the tax levied on the articles imported in exchange for his produce: one where the producer consumes all the return; the other where the taxed article comes in competition with an untaxed article of the same kind. But the first case is, of course, only a nominal exception. The planter is taxed on his consumption, as every other consumer is. If he choose to consume the entire fruit of his industry unproductively, he pays, of course, the consumption tax on all he produces; but he pays it as consumer, not as producer. This, then, does not bear out the new theory in principle.

The other case, in which the consumer, it is admitted, would throw the tax on the producer, is that where the taxed article comes in competition with the untaxed arti-

cle. But this case can never exist longer than is required for the market to rectify itself, from an unnatural temporary state. No act and no power can keep two articles permanently in the market, which are produced at different cost; and sell at the same price. Let the experiment be tried with coins of gold and silver, whose nominal value is the same, and whose intrinsic value is different. It is imagined, I believe, that foreign imports, competing in our market with our own manufactured articles, the former paying duties and the latter not, do precisely form a case of a taxed article coming in competition with an untaxed one, in which the producer pays the tax. But not at all. By an untaxed article, in this case, is meant one unburdened in any way; one produced as cheap as the taxed article, with the exception of the tax. In this case, of course, it is plain that the producer, if he will bring his taxed article to the market, must pay the tax himself. But if the untaxed article costs as much, for any reason, as the taxed article with the duty upon it, the two articles will sell for the same price, and the consumer must pay the tax; he cannot throw the burden on the producer, because he cannot, by refusing to take the taxed article, get the untaxed one cheaper.

There is, then, no case where, in a regular and permanent course of trade, the consumer throws the tax on the producer; or, what is the same thing, in which, if the tax were repealed, the price would not fall.

The idea, then, that the southern planter, and he alone, bears the tax on the imports purchased by his produce, that he alone cannot throw the burden on the consumer; or, the contrary, that on him alone the consumer throws the burden, is as unfounded as it is paradoxical. The sixty millions of foreign articles introduced for consumption are purchased by sixty millions worth of the produce of the labor of the consumers. This consumption is scattered most diffusively over the country. If it take place to a greater extent in one section than another, that section was not the southern States. Now it is said, of all the producers of the articles given in exchange for these sixty millions, the southern planters, who furnish about half, cannot throw the tax on the consumer; and why not? But, to support this proposition, no substantial reason appears to be given. Every other branch of industry struggles with the like competition as cotton planting. The gentleman says that the Carolina cotton planter comes in competition with the Brazilian, in a market where the Carolinian pays a tax on the goods he receives in return of forty-five per cent., and the Brazilian of only fifteen. In other words, the Carolinian, selling at the same nominal price as the Brazilian, takes pay in coin containing forty-five per cent. alloy, and the Brazilian in coin containing only fifteen per cent. alloy. Such a state of things is wholly impossible, under the known laws of trade; but, supposing it possible, it would prove that the American cotton planter could, and did defy all competition.

There is no process, by which the northern consumer throws off the tax, which is not open to the southern planter. It is said that the northern consumer can change his pursuit, can emigrate, but that the southern planter must live and die on his plantation. Is this so? Certainly not. There is no form in which a large capital can exist, in which more of it will be easily transferable, than an investment in a cotton plantation. The whole Southwest is open to the cotton planter. The part of it which is settled, has been mostly settled by him. He has found a new soil and cheap lands, and ready access to market. Unquestionably the cause why the staple is cheaper, is, that for these and other reasons it can be produced cheaper; not (as is maintained) because the difference of price comes out of the planter's pocket.

But the cotton, rice, and tobacco planters have another resource from the burdens of the tariff, created by the tariff itself; a resource, I am well persuaded, thus far so

effectual, that it has been more beneficial to the planting States, than all the other provisions of the laws have to the manufacturing States. It is my deliberate opinion, that hitherto the States most benefited by the laws for protection of manufactures, lie south of the Potomac. The southern States have a monopoly of a species of property, increasing in numbers, and which would, under other circumstances, decrease in value: I mean their slaves. Their numbers are supposed to amount to two millions, and their average value at present, I am told, may be safely taken at two hundred dollars each; forming a money capital of four hundred millions. Now, in the nature of things, and in the present state of the cotton, rice, and tobacco market, the value of the slaves to their masters would be constantly declining. The sugar culture, which has grown up in Louisiana, under the tariff laws, has created a new demand for labor, which is met principally from the old Atlantic States. I know that this trade is regarded as discreditable to the South; that the last thing the planter will part with, is his servants. But in the division of estates, in the execution of judgments, in the punishment of misconduct, cases arise, under the laws of the country, in which these sales take place, and by them the demand for Louisiana is supplied. I am told that the effect of this demand on the value of slaves is equal to one hundred per cent.; that the whole mass of this property is enhanced or kept from falling to that extent; in other words, that the labor of the South, now amounting to a moneyed capital of four hundred millions, would not, but for this circumstance, be worth more than two hundred millions at this moment—and that rapidly declining. Here, then, is one operation of the tariff, creating to the southern planter a capital of two hundred millions of dollars, or twelve millions annually.

Can any man point out any such benefit, accruing from the same source, to the manufacturing States? The culture of sugar has already reached an average crop, probably, of seventy thousand hogheads. The last season was a bad one, but the two preceding seasons averaged that amount. This, with the molasses, is worth about eight millions of dollars. Of these eight millions, the West, for food and machinery, gets perhaps a million and a half. A single iron-master, on the Cumberland river, in Tennessee, sold last year to the sugar planters fifty-six thousand dollars of articles fabricated at his furnaces; and twenty-five steam engines, for sugar mills, were furnished by a house on the Ohio river. The North supplies the sugar planter with a million of dollars in clothing, miscellaneous articles, and tonnage. Three millions of dollars go to the planting States for slaves; and I have the opinion in writing of persons as well informed as any in the United States, that the effect of this demand is what I have stated it to be.

I shall be told, perhaps, that this state of things is temporary. I answer, it exists now; and while it exists, and as long as it exists, the most active benefits of the tariff are south of the Potomac. How long this state of things will last, I do not know; no man knows. I believe it will be a distant day, before the supply overtakes the demand, and before Louisiana will cease to depend for her labor on other States. And before that day arrives, who shall foresee what explosion may take place in the tropics, (the volcanic region of the political as of the physical world,) which will make Louisiana a much more important region in the sugar market than it is now? Thirty years ago, the West Indies were to the cotton market what they now are to the sugar market. Thirty years ago, and our northern cotton mills, then just erected, and on a small scale, went to the West Indies for their cotton. A member of Congress, from South Carolina, expressed the opinion, that, if a good seed could be procured, cotton would, with proper protection, grow in Carolina; and, accordingly, a duty of three cents a pound was laid on the cotton consumed by our infant manufacturing establishments, to enable our southern brethren to go and study

the botany of the tropics, and find a species of the cotton plant which would thrive in Carolina. Our northern manufacturers complained that a duty should be laid on the raw material required for their fabrics, not to protect, not to encourage a branch of southern industry, but for what seemed the chimerical speculation of creating a new kind of culture. General Hamilton said the duty ought to be repealed; but it was kept on. It was then a protecting duty. It protected southern agriculture, at the expense of northern manufactures. I believe our southern brethren then did not deem it either unconstitutional or oppressive. It was not the only duty of the same character in the first tariff, that of 1789, for indigo, hemp, and manufactured tobacco were burdened with duties, for the same reason. But such was the state of the cotton market thirty years ago. Within the same period, the finest of the sugar islands has, in a manner, been blotted from the map of the world. In 1788, the value of the sugar produced in St. Domingo was twenty millions of dollars; in 1822, the last year for which I have official information, it was but one hundred and thirty thousand dollars. Do gentlemen think the process is to stop here? I am no prophet, sir; I pretend not to calculate the malignant aspect of the stars for other regions. But I see nothing in the fated islands of the West Indian archipelago, that looks like stability. Thus far the planting interest of the South has been more benefited by the tariff, in the way I have described, than any other interest; and taking history and experience for the guide, he is a bold man, who will undertake to fix the time when this state of things will cease to exist.

It is, I suppose, this view of the subject, which has lately occasioned the adoption of the following resolutions by the Legislature of Louisiana, unanimously, I believe, in the Senate of that State, and with a very small dissenting minority in the House of Representatives.

"Resolved, by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the General Assembly of this State do not concur in the views and sentiments expressed by the resolutions of the Legislature of the State of Mississippi, relative to the tariff of 1828; and that the Legislature of this State does not perceive any unconstitutionality in adopting such measures.

"Resolved, &c. That we highly approve of the resolutions of the Legislature of the State of Vermont, by which they have declared the law of 1828, on the tariff, to be constitutional, expedient, and harmless to the southern States, or any other of our sister States.

"Resolved, &c. That our Senators in Congress be instructed, and our Representatives requested, to accede to and support such measures as those that are contemplated by the law of 1828 on the tariff."

It will be recollected that this is the expression of the opinion of a State, by no means exclusively a sugar-planting State; of a State of which cotton is still the great staple. I pretend not to assign the motives of the gentleman from South Carolina, in leaving untouched the duty on foreign sugars, while he proposes to remove almost every duty which protects the industry of the middle and northern States. I do not blame him for retaining a duty, which is of vital importance to the southern country. But, on the same principle on which he is willing to retain the duty on sugar, he must allow me to vote against the repeal of those parts of the law which he desires to abrogate, but which are important to my constituents. Shall he except from a sweeping repeal of the laws, the single feature of it, which is so signally beneficial to the planting interest, that it has attached one entire planting State to the protecting system? and shall not I oppose the indiscriminate repeal of that whole system, involving the ruin of all the interests which have grown up under it?

And here I may observe, in reply to a remark made by

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the gentleman from New York, [Mr. CAMBRELENG] on the subject of voting for protecting duties from motives of personal interest, that no such motive operates on me. I reside, it is true, in a manufacturing country, but have no interest in manufacturing establishments, nor any which is beneficially affected by them; nor, if every factory were burned down to-morrow, would it concern me in any other way than such a waste of property would concern every other citizen in the community. But to return to the argument.

I have endeavored thus far, in reply to the gentleman from South Carolina, to re-establish the doctrine that the tax falls on the consumer. I shall now offer a consideration to prove that this tax is not so oppressive as has been represented. The tax falls not on the immediate, but on the ultimate consumer: that is, on the individual by whom, in its last form, it is unproductively consumed, either as a necessary of life, or as an article to which habit and custom have given the character of a necessary of life. The tax on such articles, in a country like this, where there is a perfect equality of rights, a great similarity of condition, unusual facility in change of situation and pursuit, and a boundless region of new land, is, in reality, levied on the entire consumption, or, what is the same thing, the entire income of the country. The moment any one pursuit is taxed above the average of the other, capital is driven from it, till the equilibrium is brought about. The burden laid on imported articles is, therefore, equally diffused over the entire income of the country. What is that income?

The gentleman from South Carolina has estimated it at three hundred and fifty millions per annum—I am inclined to think this much too small. I would rate it at not less than one thousand millions. Let us consider a few items that must enter into the estimate. The population is at least twelve millions; the federal numbers have ever been estimated to amount to twelve millions.

The food of 12,000,000 of persons, at 40 cents per week, which is but 5.7 cents per day, or \$20.75 per annum, would amount to

Clothing for 12,000,000, at \$17 per annum, -

The food of all the animals, estimated as equivalent to three millions of horses, at \$25 each per annum, -

\$528,000,000

This is the amount of the estimated cost of the food and clothing of the population, and the food of the domestic animals. I do not think it extravagant to assume that, over and above the necessary annual consumption for food and clothing, the entire annual expenditure for houses, ships, and every other kind of building; for roads, canals, and every other kind of public and private improvement; for public institutions of all kinds, together with the amount of income annually saved and added, in these or any other forms, to the accumulating wealth of the country, ought to be taken at an amount at least equal. I therefore set down the whole annual income of the country at one thousand millions of dollars.

On this annual income there is charged, say twenty-four millions of dollars. This is a tax of two and four-tenths per cent., which cannot be called a very heavy burden. But it must be remembered that a part only of the tax on the articles imported is to be set down to the protecting system. A very considerable part of the duties would, at all events, be assessed for revenue. If I should admit, however, (what is very far above the truth,) that eight millions out of the twenty-four are a protecting tax, and that to this extent the manufacturing system is a tax on the income of the country, it would amount to one-eighth part of one per cent. on this income! And now, sir, I will not cavil at a few hundred millions in estimat-

ing the annual income of the people of the United States. I mean, seriously, that if any gentleman thinks I take it too high at one thousand millions, I will let him reduce it one-half, to five hundred millions. A protecting tax of eight millions is, at that rate, one and three-fifths per cent. upon the income of the country. This is the burden which is laid by the protecting system on our industry.

In reply to the suggestion that the southern planter had the option to take specie in return for his exports, it was argued by the gentleman from South Carolina, that England, having no mines, had no specie to give; and that if she had, we had no use for it, as it is not an article to be consumed. It was justly urged by my colleague, [Mr. GORHAM] that though England had no mines, she was nevertheless the great specie market of the world. In reply to the second objection of the gentleman, that we could not take specie to advantage, because we do not wish to consume it, I observe, that, though not consumable itself, it is the representative of all consumable things. If the manufactured articles to be imported, are, as the gentleman says, taxed forty-five per cent., he cannot suppose that, in the great emporium of the world, the English market, there is no article of commerce, and no course of trade in which the southern planter could not make a more advantageous return investment.

But if the exporter paid the tax, as the gentleman says, when he takes goods thus burdened, it would be not merely his interest to take specie—the Liverpool trader would compel him to take it. On the supposition that the producer of the staples consents to receive in pay goods really worth to him forty-five per cent. less than their nominal value, and less than their cost to the manufacturer in England, the English manufacturer would choose to pay him in specie. For one hundred pounds worth of cotton he would offer him a cash price a little in advance of the fifty-five pounds, which is all (on this supposition) that the planter is to get in goods. The goods, as a consequence, would not be exported to this country. The demand for them would increase, and with it the price which they would command. Specie, meantime, would rise in England, and in the result, as the want of the goods was felt in America, the planter would be enabled to throw the tax on the consumer: it would, of course, cease to be his interest to take payment in specie instead of goods; and trade would return to its natural channel. This is the process which constantly goes on; and specie is the chief vehicle by which those transfers of capital are effected, which prevent burdens from accumulating upon any one branch.

I will but mention one other consequence which would flow from the new doctrine, and then leave that part of the subject to the candid judgment of the House. The produce of the staple pays the duty on the imported article, says the new theory. This duty, in the average, is said by the gentleman to be forty-five per cent. I believe it to be much less; but the amount, at present, is immaterial. Whatever the aggregate be, the separate duties vary in amount. Cottons are said, by the chairman of the Committee on Commerce, to range from twenty-seven to one hundred and twenty-five per cent.; woollens from forty-five to one hundred and sixty-eight; and iron from one hundred and twenty-five to one hundred and eighty. All these articles, with all their duties, are imported in exchange for southern staples, and the southern planter pays the duty, says the theory. Of course, the first planter who gets to market, will take the article least burdened. The next comer will take the next most favorable article; while the unfortunate individual who comes last, and who has (by the supposed iniquitous operation of these laws) to furnish to the consumer, out of his one hundred pounds worth of cotton, one hundred pounds worth of iron, will have, in addition to all his cotton, to pay out of his pocket eighty pounds sterling. And the new theory supposes

that this kind of trade has been carried on for years between the United States and Great Britain.

The gentleman from South Carolina made a remark or two upon the English corn laws, denying that they furnished any just ground for the protecting system in America, or that the American manufacturers wished their repeal. It certainly, however, is an opinion resting on unsuspicious authority, that the existence of the British laws restricting the importation of foreign grain were an efficient cause of the adoption of the system of protecting duties in this country. On this subject, Mr. Addington, the British charge d'affaires at Washington, (whose correspondence with his Government shows him to have been a very attentive observer of the passage of the law of 1824, through Congress,) thus writes to Mr. Canning, in a letter bearing date 30th May, 1824: "I have only to add that, had no restrictions on the importation of foreign grain existed in Europe generally, and especially in Great Britain, I have little doubt that the tariff would never have passed through either House of Congress, since the great agricultural States, and Pennsylvania especially, the main mover of the question, would have been indifferent, if not opposed to its enactment."

It is said that, if the British duties on foreign corn were repealed, we could not export it—that we should be undersold by the corn of the North of Europe. But, in point of fact, whenever the British ports have been opened, we have exported it to that country, and we do constantly export it to markets where the corn of the North of Europe meets ours. When the canal is completed from the Ohio river to Lake Erie, and other channels of communication now in progress are open, so that corn from the interior shall come to be transported, by a canal or a railroad, to the seaboard, I cannot be induced to believe that corn, which can be and is raised for twelve and a half cents the bushel, will be undersold by any thing which grows in Poland or the Crimea, in any market in Europe.

The gentleman from South Carolina says that the manufacturers would deprecate the repeal of the corn laws, because, by enabling the British manufacturer to work cheaper, and export his fabrics cheaper, our establishments would be undermined and ruined. If this be so, we certainly ought to deprecate the repeal. If the grain-growing States, as Mr. Addington says, have caused the passage of laws, under which a great amount of property has been invested in the manufacturing States, it would be very strange if these last States (which are not grain-growing) did not deprecate the repeal of the corn laws, which was to ruin their manufactures, without affording them any equivalent.

It is not my province to comment on the British corn laws; but as it is frequently stated that Great Britain has set the example of repealing her protecting system, I think it proper to observe that she has repealed those parts of it which protected nothing, and she retains those parts that exclude foreign articles, and, above all, the corn laws. And this is described to be more burdensome than all the other taxes of the kingdom—equal to the whole burden of the national debt. The gentleman from South Carolina estimates the annual burden of the corn laws at twenty-four millions of pounds sterling. A popular writer on political economy, (Mr. McCulloh) in one aspect of the subject, is disposed to estimate it at thirty-six millions of pounds sterling. It is plain that no ministry could break down a system that involved a capital of thirty-six or twenty-four millions sterling. Mr. Canning introduced, and passed through the House of Commons, a bill, admitting foreign corn on a graduated duty, which was abandoned, on the adoption in the House of Lords of an amendment proposed by the Duke of Wellington; and the law was left where it stood in 1822, a prohibition till the price rose to seventy shillings sterling the quarter

The gentleman from New York [Mr. CAMBRELENG] reminds me that, by a subsequent law, it is now admitted. But the abstract of that law, given in the annual report from the Treasury Department, shows that the duty is still so high as to leave the prohibition in fact unaffected; and it was declared by Mr. Huskisson "to be the object of the bill to give protection up to a certain point, and to exclude the introduction of foreign corn as much as possible."

A moment's reflection will show us that no administration of that Government could break down the system of the corn laws, if its extent is at all what it is described to be. Twenty-four millions sterling is the interest, at three per cent., of a capital of four thousand millions of dollars. To repeal the corn laws would be to make that capital change hands; enough of itself to cause a revolution. The burden of the corn laws is said to equal that of the national debt. To pay the national debt, (that is, to reproduce the capital which has been consumed, of which the debt is the representative,) would no doubt be a great public benefit. But to sponge it out, by an act of bankruptcy, would be assessing it on the creditors of the Government, instead of the whole people, and would convulse society. Similar effects would attend the abolition of the corn laws, if their effect is what it is described to be.

But if this repeal could take place, and every thing else go on in England as before, it is very doubtful whether it would operate to the ruin of our manufacturers, as the gentleman from South Carolina supposes. The sum of twenty-four millions a year probably does not amount to eight per cent. on the annual product of the industry of Great Britain. If the whole of the relief produced by the repeal were applied to the reduction of the price of all the products of labor, it would amount to a reduction of only eight per cent.—an injurious reduction, no doubt, to our manufacturers, but not a third as formidable as the frauds daily practised under the revenue laws, against which it is the object of the bill before us to guard.

The gentleman from South Carolina, having endeavored to show that the revenue of the country is unequally collected, attempted to establish the fact that it was unequally distributed; that, being mostly collected in the South, it was mostly disbursed in the North; and, in this connexion, he enlarged on a topic, which he thought had not been duly considered in national politics—the effect of a Government expenditure on the industry of a country. I am inclined to think this effect greatly overrated, at least in a country like ours, where annual expenditure must be met by annual taxation. Any State in the Union, said the gentleman, would be willing to tax its citizens one million, for the sake of having the Government expend two millions within its limits. The State that should do this, would, in my opinion, act very unwisely. Government expenditure is not Government donation; for the two millions expended within the State, two millions of its property are consumed or carried away, and, if you please, advantageously; but it is only the profit on two millions that is gained by the State or its citizens; and the State that would tax its citizens one million of dollars, to enable its citizens to receive the ordinary commercial profit on two, would act a very unwise part.

As to the alleged inequality of the distribution, I believe a careful examination would show it to be much smaller than the gentleman represents it. I admit that there is an inequality in the distribution of the payment, on account of the public debt: a larger proportion of this payment is made north of the Potomac, than south of it. But this is because more was lent to the Government north of the Potomac, than south of it. A part of the national debt was created by this assumption of the revolutionary State debts, and this assumption was the result of a compromise, of which the condition was, that the seat of the

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General Government should be moved as far south as the banks of the Potomac, (5th Marshall's Washington, p. 260.) Our southern brethren will retain their part of the benefits of the compromise; our part is rapidly wearing away; and the national debt will now so soon be paid off, that the inequality in the distribution of the payment of it, ought not to enter into a general estimate of the distribution of the permanent expenditure of the Government. Of the naval expenditure, I will admit that, under some heads—those of navy yards and construction—perhaps three-fourths of the expenditures are north of the Potomac. But of the six navy yards, one is at Norfolk, and one at this place; and of the northern stations, one, at least, is not the seat of great expenditure. The item of pay afloat, which is perhaps one-fourth of the whole, I presume, is mostly expended abroad. Of the remaining three-fourths, it is possible that two-thirds are expended north of the Potomac; making but one-half of the whole.

The residue of the expenditure of the Government is either equally diffused, or takes place in greater proportion to the South. The salaries of the Government officers, of all classes, are geographically distributed. The diplomatic expenditure takes place abroad, and the South receives her full share of its benefits. The heavy charge of fortifications preponderates at the South: here, too, the greater part of the expense of the army accrues. The enormous and growing expenditure of our Indian relations is mostly at the South. Our whole military establishment had its origin in the Indian relations of the country. I know the military defence of the country against any foe, savage or civilized, is an institution for the general good, wherever the expenditure is made; but the same may be said of the navy, and of the public debt. In short, this subject, I think, is much misunderstood. I believe if one were to go through the appropriation bills, and trace to their ulterior destinations the entire expenditures of the Government, he would find them distributed with great approach to equality throughout the Union.

But the comparison between a Government expenditure in this country, and that of the British Government during their long war, which the gentleman rated quite within bounds at one hundred millions of dollars annually, entirely fails. In Great Britain, in consequence of the credit enjoyed by the Government, a hundred millions of dollars were annually raised by loans, and thrown into circulation; and as even the annual interest of the former loans was defrayed by new loans, there was no immediate charge upon the people, and the whole operation was an addition for the time of so much to the national wealth. But in this country, and in any country where the supplies of the year are raised by taxation within the year, a Government expenditure is but taking from one pocket to put into another. Every dollar expended among the people must first be taken from the people by taxation. There could therefore neither be advantage on the one side, nor hardship on the other, until the gentleman could make out his case of unequal collection and unequal distribution; in the attempt to do which, in my judgment, he has wholly failed.

The gentleman from South Carolina painted, in very strong colors, the distress of the planting States. I listened to his remarks on this topic with great interest. I am not at all disposed to underrate their force; and, did I agree in the correctness of the views of the gentleman on this subject, I could not take the course I do. But I must think some of his facts mistaken, and this opinion of the cause of the depression of the planting interests not less so. Listening with great attention to collect the facts by which he illustrated the extent of the distress of the planting States, I could distinguish but these three: first, that cotton now sells for but ten cents per pound, whereas it formerly sold for thirty; secondly, that the labor of the

slave is worth but twelve and a half cents per day, whereas that of the free laborer of the manufacturing States is worth at least fifty cents per day; and lastly, that there is a general and melancholy dilapidation of estates, and impoverishment of families, indicative of a rapid decline. A word or two on each topic.

When cotton was thirty cents per pound, land, labor, supplies, and every thing else, must have been proportionably high. There is, therefore, not such a reduction in the real price as there would seem to be. Or, if cotton did sell for thirty cents, while it cost but eight to raise it, this was a price so extravagant and unnatural, that it must inevitably lead to speculation, over-production, and disastrous reaction. It could not last two seasons, and would carry in itself the germ of wide-spread ruin.

There has no doubt been a decline of the real price, but it is exceedingly doubtful if the tariff has had any agency in producing it. The gentleman from South Carolina did not ascribe the depression exclusively to the tariff, but argued only that it added to the pre-existing distress. The great evil has been the uniformity of pursuit in the planting States, and the too rapid extension of this culture, caused by the opening of the new lands. The general effect of the state of the world has contributed to the same end. The depression is universal. Labor has become less valuable by a change from war to peace, as was well stated by my colleague, [MR. DAVIS] and still more, perhaps, by the multiplication of labor-saving machinery.

The labor of the slave, said the gentleman, is worth twelve and a half cents a day, and that of the free laborer fifty cents. Twelve and a half cents a day, leaving out Sundays and thirteen holidays, is thirty-six dollars a year. This, I am advised, is less than the annual hire of the slave. In other words, the labor of a slave is worth, beyond the expense of keeping him, more than thirty-six dollars per year. This slave will cost his master not more than three hundred dollars. So that, what the gentleman calls very poor property, yields twelve per cent. Of this kind of property there is much more in the South, than there is manufacturing property in the North; and there is very little manufacturing stock, which yields, in any quantity, more than half the interest specified. But I know no such contrast exists, to the advantage of the South, as these facts would seem to show. The productive labor there is charged with the support of a great deal of unproductive labor. But the free citizen of the North, out of his fifty cents a day, has also to support his children, who are too young, and his parents, who are too old to work; and the colder climate, higher standard of living among the laboring classes, and the necessity of bearing a part of the burdens of society, as free citizens, are all charges upon the wages paid to the northern laborer.

The gentleman spoke, in strong and beautiful language, of the decay of fine estates, and the desolation of the hospitable mansions of the last generation. These are statements, not to be listened to with any other feelings than those of sincere and respectful sympathy. The fame of the hospitality of the South is as wide-spread as our Union, and as old as our history. I would be the last to wish that any of its honest and honorable sources should be dried up. But it is not the tariff which has caused its decline. I might even suggest that the fact itself is perhaps overstated. Where a conspicuous family mansion passes into other hands, and a great estate vanishes, the melancholy fact strikes our notice, and produces a strong impression upon the community. But the successive rise of new fortunes is far less calculated to be observed. I can scarcely suppose that none of those hospitable establishments, which have dropped into decay, have been succeeded by others, which have risen into opulence.

But grant the decline to be more general than I am apt to think, it is not the tariff law which has occasioned it.

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It is the statute of distributions, of which gentlemen must complain, if they wish estates to be kept together. Ever since I have heard any thing of the South, I have heard this complaint; and considerably before the tariff law of 1816, that, whereas the nature of their property required estates to exist in a pretty ample extent, they were constantly broken up by partition, to the ruin of ancient families; and with these causes it was supposed that the climate, and a certain generous profusion, springing from very amiable feelings, but not reconcilable with thrift, might have co-operated. But, be the cause what it will, the effect is older than any tariff law, except that of 1789; and, for the truth of this proposition, I appeal to every gentleman who hears me.

But the evil is not confined to the South. It exists notoriously in every other part of the country. The same decay of families is conspicuous in New England. In our large cities, it is almost proverbial that the splendid mansion of one generation is a boarding-house in the next. I do not remember a family rich by inherited wealth for three generations. It is, as the gentleman describes it, sad to contemplate, in the individual instance—sad that the children should so seldom die beneath the roof of their fathers; that names endeared by liberality and benefactions to one generation, should be forgotten, or remembered only as objects of commiseration in the next. But we consider the whole operation as the healthiest in the political system, effecting a constant infusion of new, untainted blood. It is an operation by which merit, thrift, and industry get their share in the great prizes of life, which are no longer distributed by the lottery of birth. It is a republican distribution of estates, not effected by cut-throat agrarian laws, such as have been alluded to in this debate, but by the gentle hand of nature, under the dictates of the kindest affections, sanctioned by a wise legislation.

The gentleman from South Carolina spoke in the harshest terms which the language affords of the "monopolists" of the manufacturing States. I cannot persuade myself that the gentleman would deliberately repeat himself half of what he uttered on this topic; in the order of the debate; but if I wished him to give a description of those engaged in manufactures, which would most effectually bring discredit on his argument, rather than reproach on their cause, I would desire him to represent as monopolists men who are breaking down with competition.

We are told by southern gentlemen of the generous South. One gentleman from South Carolina had it the "too generous South." This was not the language of the mover of this amendment; [Mr. McDUFFIE] but even he, in reference to the vote on the Maysville road, somewhat significantly compared the liberality of the South with the economy (to which he paid a compliment, and I have no doubt a sincere one) of the North. Sir, the South is generous; but as her generosity has permitted her, on this topic, to be very jealous of her own interests, I trust she will carry it so far as to forgive us for doing the same. The South is generous, liberal, high-minded. I acknowledge it; I have seen it; I may be permitted to say, I have experienced it. What New England is, I shall not say. I am a son of New England. My fathers for two centuries have tilled her sacred soil, where they now rest; and all that I have or hope, I owe to her noble institutions. Her praise is "fit theme for any tongue but mine."

But the gentleman must not think we are generous only with other people's money, as he appeared to intimate in his allusion to the subject of internal improvement. We pay our own money. We have paid it from the settlement of the country; and if we are prompt to practise this lesson abroad, we learned it at home.

Another gentleman from South Carolina, [Mr. BARNWELL] commending the wisdom of the people of Massachusetts, said that they had such a dislike for taxation, that they could not be got to subscribe for a railroad, nor even

to pay their State debts. But the difficulty about the railroad is, that the public mind is not yet generally satisfied of its feasibility, and it was thought expedient to delay so large an expenditure till it could be voted by pretty general consent. As to paying the debts, the question was, whether there did not exist adequate funds without the tax. I do not mean that the people of Massachusetts have a passion to be taxed for the mere love of taxation; but, to the extent of paying their debts, my friend may believe me, that they will tax themselves, when it is necessary, with great readiness. And as for the railroad, if the General Government will pay us the debt she owes us for the services of our militia in the war—services as patriotic, as prompt, as efficient as those of the militia of any State in the Union—I will agree, for one, to subscribe it to any railroad that shall be projected with a safe prospect of success. Not tax ourselves for roads! Why, we do it in every town in the State, and every year; and so we do for schools. The single town of Boston pays annually little short of two hundred thousand dollars for its schools, nearly half of it by a public tax for its free schools; nor is the rest of the State proportionably behind the capital. This is our economy in expenditures for public institutions.

But the gentleman [Mr. McDUFFIE] tells us, we ought to protect our manufactures ourselves by State bounties. He forgets that this is impossible. How could we prevent the introduction of foreign fabrics into our State? So long as we had the power, it was exercised. It was very liberally exercised, as early as 1645, by the infant colony; and it was one of the last acts of the independent State of Massachusetts under the confederation. The gentleman, perhaps, has not contemplated the colonial history of the industry of the country; a chapter to the full as instructive as the colonial history of its politics. When he tells us that the southern States now stand in the same relation to the manufacturing States that the whole colonies did to Great Britain—that they have changed masters, but gained nothing by the change—that the existing laws are a hundred times more oppressive to the South than the colonial system was to America, I must think that he recollects only that the staple products of the South were indeed liberally encouraged by the mother country, and bounties awarded for their culture; while the iron mace of prohibition lay on the industry of the North; our navigation shut out from the world, beyond the Capes, and from the North of Europe, and just permitted to range between the West Indies and Cape Finisterre; and our manufactures subjected to restraints the most odious and tyrannical, making it highly penal to carry a dozen hats from one colony to another, and denying us the right to make a hobnail. As soon as we were independent, we did turn to the industrious arts. Massachusetts immediately enacted her navigation law; but it availed her nothing; and her tariff, but it bound nobody but herself, and merely threw her markets open to her neighbors. When we are tauntingly asked why we do not pursue this policy ourselves, it is not amiss to state that Massachusetts had, before the adoption of the federal constitution, her own tariff, in which some articles, and that of cotton fabrics among the rest, paid higher duties than any levied by the United States, till the law of 1816. When the federal constitution was adopted, the States lost the power of protecting their own manufactures; and Mr. Madison, in the earliest debates, gives this as a reason why the duties, under the Federal Government, should be laid so as to promote that end.

The gentleman from South Carolina made some remarks on capital, which I could not but think rather invidious, and at war with the general liberality of his views. Moderate, and even large private accumulations of capital perform a very valuable office in the community. They fulfil many of the beneficial ends of banking, without the evils attending banks, and in a variety of cases to which banks cannot reach. Capital cannot benefit its owner till

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it has first benefited the community around him; and in this country capitalist is only another name for a clerk employed by the active community to transact their money business, for small wages and no thanks.

But, be this as it may, the gentleman from South Carolina utterly misconceives our population, in the effect which he ascribes to capital over elections. If he will come and visit us, I will show him a people which the wealth of Attalus could not tempt—which the gold of the Indus could not carry to an election. The gentleman has spoken of his district—he must allow me to speak of mine. I have the honor to represent the district containing very large manufacturing places, Waltham and Lowell, where more property is probably invested in manufactures than at any other place in the Union. The town of Lowell, especially, has, within ten years, grown up from a few farm-houses to a population of six thousand seven hundred souls, provided with all the establishments and institutions, the schools and churches, of an advanced community; a population as moral, as intelligent, as substantial as any in the Union. It has grown up exclusively under the manufacturing influence. Here, if anywhere, there has been a forcing process; and in such a district, if anywhere, the corrupting influence of capital must be seen. And now I aver, if, by any arts of misrepresentation, the suspicion could be infused into the minds of the people of that district, that their representative was under the influence of the moneyed capital invested in it, it would cost him his seat. That is no very strong expression. But there does not live the man in New England—no, not even he of whom she is fondest and proudest, who could stand a day under such a suspicion reasonably entertained.

I do not speak of bribery, neither did the gentleman from South Carolina; but of the indirect, if you please, the honest influence of capital. The truth is, the fact is the other way. Our people are jealous and watchful of this influence. They read for themselves, think for themselves, vote for themselves. Ours is not the part of the country, where the slavish discipline of party, the fruit of all corrupt influences, exists. Hence our groundless internal feuds; hence our ridiculous subdivisions of which the "generous South" ought not to complain, for she has always known how, and never better than at this moment, to turn them to very good account, in monopolizing the Government of the country.

The gentleman from South Carolina spoke with no little bitterness on the subject of majorities and minorities; of the oppression, the despotism, the tyranny implied in adopting and pursuing a course of policy prejudicial to the interests of a minority of the people. It is true the gentleman is in a minority on this question, and perhaps this alone, of all the great questions on which parties are now divided. I cannot but hope that he has spoken with causeless severity, in reference to the present case; but we of New England, towards whom his remarks were in part directed, can well believe his sincerity, in deploring the hardships to which a minority must submit. If there is bitterness in that cup, we have drank it to the dregs. We have been in a minority on this and every other question; and I will show the gentleman, from a very high authority, that our brethren of the South have not only made a substantial benefit out of our position, but have

"Used us for their mirth, yea, for their laughter,
When we were wretched."

In 1798, a letter was written by Colonel Taylor, of Caroline, to Mr. Jefferson, on the subject of a secession, on the part of Virginia and North Carolina, from the Union. Mr. Jefferson opposes the project, and, among other reasons, makes use of the following:

"If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple units. Seeing, therefore,

that an association of men who will not quarrel with one another, is a thing which never yet existed, from the greatest confederacy of nations down to a town meeting or a vestry; seeing that we must have somebody to quarrel with, I had rather keep our New England associates for that purpose, than to see our bickerings transferred to others. They are circumscribed within such narrow limits, and their population so full, that their numbers will ever be the minority; and they are marked, like the Jews, with such perversity of character, as to constitute, from that circumstance, the natural division of our parties."

I make this reference with no unfriendly feeling to the memory of Mr. Jefferson; I would tread lightly over his ashes. The expressions I have quoted were uttered in high party times; but they are a correct indication of the policy of which the North has been, and is, the victim.

The gentleman compared the relation of the planting to the manufacturing States with that of the colonies of Great Britain before the revolution; and went so far as to say that the former had now a hundred times more to complain of than the latter had then. What was the complaint of the colonies? That they were subject to the control of a Government in which they were not represented, and whose laws consequently were not calculated for their benefit. But is not the South represented in the Government of the United States? Represented, did I say? Has she not contrived, as soon as a political revolution could possibly be brought about, always to be in a majority? Was it not that triumphant southern majority which called this manufacturing system into existence? The chairman of the Committee on Commerce, in his late report, states the fact in the plainest terms, that the restrictive system, which commenced in 1807, and of which the war was the last measure, laid the foundation of the manufacturing policy. What says Mr. Jefferson again? (letter to Mr. Leiper, 21st January 1809:) "I have lately inculcated the encouragement of manufactures to the extent of our own consumption, at least in all articles of which we raise the raw materials. On this the federal papers and meetings have sounded the alarm of Chinese policy, destruction of commerce, &c., that is to say, the iron, which we make, must not be wrought here into ploughs, axes, hoes, &c., in order that the ship owner may have the profit of carrying it to Europe, and bringing it back in a manufactured form; as if, after manufacturing our own raw materials for our own use, there would not be a surplus produce sufficient to employ a due proportion of navigation in carrying it to market, and exchanging it for those articles of which we have not the raw material; yet this absurd hue and cry has done much to federalize New England. Their doctrine goes to the sacrificing agriculture and manufactures to commerce; to the calling all our people, from the interior country to the sea shore, to turn merchants; and to convert this great agricultural country into a city of Amsterdam. But I trust the good sense of our country will see that its greatest prosperity depends on a due balance between agriculture, manufactures, and commerce, and not in this protuberant navigation, which has kept us in hot water from the commencement of our Government, and is now engaging us in war."

I beg leave to say, sir, that these are Mr. Jefferson's views on these subjects, not mine. I quote them to show the gentleman in what councils, and under whose auspices, the manufacturing system had its origin. New England did remonstrate, murmur, protest against it. While writhing under burdens almost too grievous to be borne, she did utter her complaints, in a tone, patriotic as now echoed by the South, but treasonable in her; a tone, that never has been and never will be forgiven her, and which has given her brethren a pretext to set their foot upon her neck, and press her beaming forehead to the dust. And now, what is the consequence? Because she will not sit still, and see those establishments prostrated, into which her

capital was driven; because she is not willing that the laws passed against her will, beneath which her manufactures have grown up, should be swept abruptly away, she is avaricious, inconsistent, a hungry, grasping monopolist; and the vocabulary of the language is tasked for terms of opprobrium to heap on her. If the colonial system, which led to the declaration of independence, had been adopted by a parliament, in which the colonies were represented and had a majority; if the stamp act had been the measure of a cabinet, in which Patrick Henry had been Prime Minister, John Adams, Lord Chancellor, Dr. Franklin, First Lord of the Treasury, Mr. Jefferson, Secretary of State for Foreign Affairs, and Samuel Adams, King, (as Dr. Johnson thought Speaker Cushing wanted to be,) had this measure been forced on Old England by a triumphant colonial majority, and then these colonies, on a change of affairs, finding or fancying it injurious to themselves, had clamored for its repeal, at the sacrifice of a vast capital in England, which had been invested under it, then the relation of the colonies to the mother country would have resembled that of our southern brethren to the manufacturing States, and would have failed to engage the sympathies of the world.

Sir, I cannot approve the tone in which this amendment has been urged on us. If any good is to be done, it is by conciliation; and in that work I will begin as soon and go as far as any man. I will join in any *bona fide* attempt to remove the burdens of the revenue laws, not inconsistent with interests to which the faith of the Government is pledged. I am willing to begin by my colleague's [Mr. GOSHAM] proposition, to grant a drawback of the whole duty on cotton bagging, on every yard of that article, whether foreign or domestic, wrapped round the bale of cotton, on exportation; thereby relieving the southern planter from a burden which he regards as peculiarly onerous, and yet preserving to the western manufacturer the benefit of the duty. And I believe, if, instead of this tone of fierce denunciation, a conciliating language were used, that every thing might be effected, which the real interests of the country require. But the gentleman himself would be the last to respect men who could be wrought upon by such invective, against those whom they represent. And while he tells us that the repeal of these laws would reduce our manufactures to ruin, it seems hardly necessary to say that he cannot expect us to sit still, and vote for his amendment.

Mr. MALLARY followed with a few remarks; after which,

Mr. DRAYTON said, it was not his purpose to sustain the observations which he should offer to the committee, by a long series of statistical calculations, or by elaborate deductions from the principles of political economy. Being under the impression that the public mind was undergoing a change, that many of those who had been undoubting proselytes of the "American system," began to perceive its errors, and to feel its evils, it would be his object to exhibit to them its delusions in a plain and practical manner. In the prosecution of this design, he should confine himself exclusively to endeavoring to establish the following propositions:

First. That our manufactures flourished so long as those who were engaged in them were left to the free exercise of their own exertions; and that they have invariably declined under a restricted system, excepting when their prosperity was owing to the public calamity.

Secondly. That the arguments relied upon by the advocates of restricted industry, are fallacious, and their assertions contradicted by facts.

1st. That our manufactures flourished, so long, &c. &c. It is a trite remark, [said Mr. D.] that, in our investigations, we often overlook what is immediately before us, and speculate upon that which is remote. It is thus that the restrictionists, in their reasonings upon the effects of a

prohibitory policy, recur to the examples of European nations, instead of adverting to those of their own country, which would be more appropriate and illustrative. To support my position, I shall appeal to our own history, as it has been represented to us, not by the enemies, but by the friends of the American system. General Hamilton, in his celebrated report, in January, 1791, says: "Manufactures of cotton goods, not long since established in Beverly, in Massachusetts, and at Providence, in the State of Rhode Island, and conducted with a perseverance corresponding with the patriotic motives which began them, seem to have overcome the first obstacles of success, producing corduroys, velvets, fustians, jeans, and other similar articles, of a quality which will bear a comparison with the like articles brought from Manchester. The one at Providence has the merit of being the first in introducing into the United States the celebrated cotton mill, which not only furnishes materials for that manufactory itself, but for the supply of private families for household manufacture. Other manufactures of the same material, as regular businesses, have also been begun in different places in Connecticut, but all upon smaller scales than those above mentioned. Some essays are also making in the printing and staining of cotton goods. There are several establishments of this kind already on foot."

Mr. Tench Coxe, in his letter to Mr. Gallatin, when Secretary of the Treasury, says: "The neighboring States of Massachusetts and Connecticut quickly followed Rhode Island; and the tables which are annexed, imperfect as they unavoidably are, manifest the universality and magnitude of the cotton manufactures in 1790. If a very sober prudence shall estimate the value of the water-spun and steam-spun cotton yarn at the price at which they can be imported, without profit, from Europe, there will remain an opportunity for much lucrative business in extensive works."

General Hamilton, in another part of his report, states that it is certain that several important branches of manufactures have grown up and flourished with a rapidity which surprises, offering an encouraging assurance of success in future attempts; of these, it may not be improper to enumerate the most considerable. He then specifies those of "leather, skins, iron, steel, wood and cabinet wares, flax, hemp, ardent spirits and malt liquors, bricks, tiles, and pottery, writing and other kinds of paper, hats, shoes, refined sugar, soap, candles, copper and brass wares, tin wares, great quantities of coarse cloths, coatings, serges, flannels, &c. &c."

A friend has this moment put into my hands the following extract, which he made from a Connecticut newspaper:—Hartford, third of October, 1791.—Woollen manufactures—The quality of the cloths, more especially the coarser, is acknowledged, on all hands, to be superior to that of the English of the same fineness. They can be afforded as low as English cloths of the same fineness."

Mr. Coxe, in a supplementary letter, thus speaks of our manufactures shortly anterior to the non-intercourse and embargo laws. "The States of Rhode Island and Massachusetts have expelled all doubts about the practicability of the cotton operations. With the smallest territory in the United States, Rhode Island has already attained and introduced into her vicinity a cotton branch of our manufactures, as valuable as the cotton branch of any country in Europe was at the time of the formation of our present constitution. Heavy cotton goods cannot be imported without a loss. It is a fact of great importance, that none of the productions of the earth, whether of natural growth, or the fruits of cultivation, in the middle, northern, and eastern States, which can be considered as raw materials, are now exported, in an unmanufactured condition, to foreign markets. The manufacturers may be said to purchase and employ a quantity equal to the whole; for if small parcels of raw materials have been lately exported, much greater quantities of similar foreign articles have been

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introduced from abroad. The landed interest have no actual foreign purchasers for its wool, flax, hemp, hides, and skins of domestic animals, and various metals. The momentous fact is therefore satisfactorily established, that the American manufacturers' demand has greatly surpassed the abilities of the planters, farmers, landholders, &c. to supply these five descriptions of materials. There is, at this time, no other redundant material than cotton." Such was the situation of our manufactures, until the embargo and non-intercourse laws. After their enactment, Mr. Coxe informs us, in the year 1814, that "it is found that our cotton wool has every where forced itself into manufacturing uses; and there is no reason to doubt that the value of our manufactures, though much extended since 1810, very greatly exceeded, in that year, the highest value of the raw material heretofore exported in any annual period. This prosperity of the cotton manufactures was without the aid of the double duties, and with but little assistance from the labor-saving machinery. But when the vast importance of mechanism, since introduced in lieu of laboring hands, is considered, in connexion with our power to produce cotton, the diffusion and extent which the cotton manufactures must obtain, particularly in a State of war and blockade, cannot be estimated."

The foregoing is a representation of our manufactures, up to the period and after the commencement of the late war. Their condition, during the war, is thus described by Mr. Niles, in his Register for January, 1814: "There are now running in the neighborhood of Providence, Rhode Island, no less than one hundred and twenty thousand spindles; these spindles make one hundred and ten thousand pounds of yarn each week, and consume about six millions of pounds of cotton (or twenty thousand bags) per annum. The value of the cloth made from this yarn is estimated at eight million one hundred and forty thousand dollars a year." Mr. Niles adds: "We cannot fear that our manufactures of cotton, wool, &c. will be affected, should peace take place to-morrow. The present great profits may be reduced, but there is room enough for their fall, whilst they yet may be as lucrative as man should desire."

From the extracts which I have made, it appears that our manufactures, in 1790, comprehended a variety of articles—that "several important branches had grown up with a rapidity which was surprising;" among others, "great quantities of coarse cloths, coatings, serges, flannels, &c." According to Mr. Coxe, the tables which he annexed to his letter, "manifested the magnitude of the cotton manufacture in 1790." This was the condition of our manufactures shortly after the adoption of the federal constitution, when our moneyed capital was small—when our white population scarcely exceeded three millions of persons—when our national debt amounted to fifty-four million one hundred and twenty-four thousand four hundred and sixty-four dollars, and when the duties upon imports were low, those upon hemp being fifty-four cents the hundred and twelve pounds; upon unmanufactured iron seven and a half per cent. ad valorem; and upon cotton and woollen goods five per cent. ad valorem; raw wool and a variety of other articles being exempt from any duties. Let it also be recollected that, at this time, the raw material of cotton was imported, and that the British exclusive commercial code prevailed with unmitigated rigor. If, under these circumstances, our manufactures were flourishing and increasing, to what other causes could their prosperity be attributed, than to moderate imposts, to free competition, and to the liberty which our citizens enjoyed of prosecuting those branches of industry which were suited to their capitals, their skill, and the demands of the country, untrammelled by the interference of legislators, who never did, and never can understand and direct the interests of individuals as well as they can themselves.

We have seen that manufactures continued to advance

until the non-intercourse and embargo laws; that the demand of the manufacturers "had greatly surpassed the abilities of the planters, farmers, landholders, &c. to supply them with wool, flax, hemp, hides, and skins of domestic animals." Although the duties had then been increased, they were still moderate, and exclusively imposed for revenue. Here, it seems to me, terminated the solid prosperity of manufactures. The non-intercourse, the embargo laws, and the war, gave to them unnatural stimulants. From these adventitious causes, their progress was so rapid, that Mr. Niles exultingly exclaimed, in 1814, that they could not be affected by an immediate peace; that "there was room enough for their fall, while they yet might be as lucrative as man should desire." Notwithstanding this confident prediction, as soon as peace was concluded, Mr. Niles, in his Register, in 1815, held the following language: "The free and unrestricted admission, at present allowed, into the United States, of cotton fabrics of foreign production, not only extinguishes the hope of a reasonable profit, in future, from the manufacture of similar goods at home, but threatens the speedy destruction of the establishments already created for that purpose, and the loss of the immense capital invested in them." It would be inferred from these expressions, that, upon the return of peace, the duties were instantly reduced. The fact is, that the war, or double duties, continued until 1816. In that year protective duties were granted, which were increased in 1818, in 1824, and, again, in 1828. The complaints of the manufacturers became louder after every augmentation of the duties; and the gentleman from Massachusetts, [Mr. EVERETT] who represents one of the greatest manufacturing districts in the Union, tells us, that but few of the manufacturers in it have escaped ruin; and that those who have been less unfortunate, are struggling with difficulties and embarrassments.

It will be found, upon examination, that the distresses of the manufacturers commenced with the era of protection in 1816. We never heard of their distresses before; we have never ceased to hear of them since. The causes of these distresses are evident. High duties induce capitalists, without any knowledge of the subject, to invest their funds in manufactures, as a lucrative speculation. Companies are thus formed, consisting of presidents, secretaries, directors, &c. The expenses incidental to these companies are so considerable, that even protection duties will not enable them to sell their fabrics to a profit; and yet the quantity they produce gluts the market, and injures not only themselves, but the regular, practical manufacturers, who, with competent skill and personal attention and economy, might otherwise obtain a fair remuneration for their labor.

Whilst we were fettering our trade with onerous duties, not only upon fabrics, but upon raw materials, Great Britain, perceiving the evils of her ancient commercial code, resolved to introduce a more enlarged and liberal policy. In spite of an opposition supported by numbers, and wealth, and influence, and prejudice, and cupidity, she repealed upwards of two hundred of her navigation laws, entered into equal commercial duties with most of the European nations, and admitted various raw materials upon the payment of low duties. In 1825, she allowed the importation of one hundred and thirty-one articles, subject to duties from fifteen to thirty per cent., the greater part of which had, previously, either been prohibited, or encumbered with imposts almost tantamount to prohibition. Mr. Huskisson declared, in the House of Commons, in 1827, "that he had had the good fortune to persuade the House, within a few years, to repeal fifteen hundred restrictive and prohibitory statutes." Instead of taxation being increased by these commercial relaxations, between the year 1815 and the present time, Great Britain has abolished taxes to an amount exceeding thirty millions of pounds sterling. She has, by these

means, imparted a new spring to the industry and enterprise of her subjects. They are enabled, upon more advantageous terms, to enter into competition with all parts of the world. Their imports and exports have enormously augmented. They send their cottons to India, and their silks are smuggled into France, though they are under the necessity of importing from abroad the raw materials for both of these manufactures.

It has frequently been asserted by the restrictionists, that they follow the example, not the precepts, of Great Britain, whose statesmen, they insist, inculcate the doctrines of free trade, merely to delude other nations. The fact that there exists a party in the United States, which enforces the growth of manufactures by high duties, is not more certain, than that the practices of British statesmen were correspondent with their professions. What I have already said, would be sufficient to confute the assertions of the restrictionists; but if additional proofs were requisite, I would refer to the principle which is understood to have been adopted by the Government, that no duty, intended for protection, shall exceed thirty per cent.—to the writings in Blackwood's Magazine, and other publications of a similar character—to the debates in the Parliament, and particularly to a discussion in the House of Lords, in February last, in which the avowed friends of prohibition attribute the distresses of the country “to the pestilent heresy of free trade.” That all the ancient monopolies and restrictions have not been relinquished in Great Britain, is true. It would be impolitic, and mischievous in the extreme, to introduce innovations otherwise than cautiously and gradually, where immense investments of capital have been made, in numerous branches of industry, upon the faith of long established laws and usages. That innovations have been made, and that their effects have been to liberalize the commercial system of Great Britain, must be made manifest to any one who will compare its present situation with that which prevailed not more than fifteen years ago.

I am not aware that the extension of our manufactures, and the profits of the manufacturers, during non-intercourse, embargo, and war, are relied upon as an argument in favor of restriction. If, during these periods, manufactures had been cheap, there would have been strength in this argument, but such was not the case. The prosperity of the manufacturers was not participated in by the people. It was founded upon the general calamity. The prices which they obtained, and which they always will obtain where free competition is excluded, were so erroneous, that, although they were enriched, the consumers were impoverished. And, notwithstanding these golden harvests, when peace restored our intercourse with England, our manufactures were involved in embarrassments and distresses, from which they have never recovered, though aided by duties which were granted especially for their protection.

I have thus, I trust, satisfactorily shown that our manufactures were prosperous and increasing under an unrestricted, and that they have always been depressed under a restricted system, excepting when they flourished, in consequence of the calamitous condition of the country. I will now proceed to the examination of the arguments and assertions which are principally relied upon by the advocates of the restrictive policy. They are as follows:

First. That, by adequate protection, manufactures would be permanently established; that competition among the manufacturers would thus reduce prices to the minimum cost of production, when their domestic fabric, being exempt from the expenses of importation, would be cheaper than the foreign.

Secondly. That, by purchasing domestic manufactures, we encourage domestic instead of foreign industry, and thus augment the national wealth.

Thirdly. That domestic manufactures increase the de-

mand for native raw materials, and consequently furnish a better market to those who raise them.

Fourthly. That the consumers of manufactures have no right to complain, because the high duties have not increased their prices.

Fifthly. That, as foreigners impose restrictions upon us, we ought to retaliate upon them, and particularly upon Great Britain, as she takes almost nothing from us.

1st. That, by adequate protection, manufactures would be permanently established, &c. &c.

The ability to sell cheap depends upon the price of the raw material, the wages of labor, and the profits of stock. To place the argument of the restrictionists in the most favorable light, I will suppose that the raw material costs less in America than it does in England, as is the case with cotton. With this advantage, and the aid of protective duties, from twenty-five to one hundred and twenty-five per cent., in consequence of both wages and the profits of stock being about one hundred per cent. higher in this country than they are in England, we annually import from her cotton manufactures, which we should not do unless they were cheaper than our own. Our importation of cotton from England, in the year ending the 30th September, 1828, amounted to nine million four hundred and eighty-eight thousand four hundred and thirty-one dollars. If England, then, undersells us in an article, the raw material of which we have cheaper than she has, can we rival her in other manufactures, the raw materials of which she purchases as cheap or cheaper than we do? When cottons are produced cheaper in England than they are in the United States, is it not folly to suppose that we can manufacture wool and iron cheaper than, or as cheap as the English manufacturer, who buys his iron and his wool at incomparatively lower rates than they can be obtained by our manufacturers? Is it not evident that, until population is as dense, capital as large, and wages and profits as low in the United States as they are in Great Britain, she must continue to manufacture cheaper than we can? Is it not equally evident that, when we can manufacture as cheaply as England, no protective duties will be necessary to secure to our manufacturers the monopoly of the domestic market?

2dly. That, by purchasing domestic manufactures, we encourage, &c. &c.

It is undeniable that, by the domestic exchange, the article purchased, and the product of the labor which pays for it, remain in the country, but it should be borne in mind, that, by the foreign exchange, we introduce valuable commodities which we had not before, and that we necessarily pay for them with the proceeds of American labor; consequently, if the buyer can procure them cheaper, he can, with the same quantity of labor, or the same amount of money, purchase more of the foreign than of the domestic manufacture. If he buys dearer in the home market, he loses the difference between the foreign and the home price; and though, by the domestic barter, the manufacturer may be a gainer, yet, as his gain is precisely equal to the buyer's loss, the national wealth is no more increased than if the exchange had never been made. But if a million of pounds of raw cotton could be exchanged in England for as great a quantity of cotton or woollen manufactures as would in the United States require a million and a half of pounds of raw cotton, then would the wealth of the United States be augmented in the same ratio, by the substitution of the domestic for the foreign exchange.

3dly. That domestic manufactures increase the demand, &c. &c.

Admitting that the increase of manufactures, by withdrawing a portion of labor from the cultivation of the soil, might, to a certain extent, be of advantage to the agriculturist, it is yet problematical whether this advantage would not be more than counterbalanced, by the increased ex-

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pense which he would be subjected to in the price of the implements of his labor, and of the woollens, cottons, and other articles which he consumes.

But the domestic manufactures of cotton, it is said by the restrictionists, must create an additional market for the raw cotton of the southern planter. This cannot be the case, unless they increase its consumption. Even if there were no manufactories of cotton in the United States, the quantity which they at present furnish, would be manufactured in Europe, where, but for the protective system, as much of the fabric could be purchased by the grower of cotton for one thousand pounds of his raw material, as he can purchase in the domestic market for fifteen hundred or two thousand pounds.

The gentleman from Massachusetts [Mr. DAVIS] estimates the number of persons engaged in manufactures in the United States at about five hundred thousand, and he tells us that if they should abandon their business, the quantity of manufactures would be diminished, by which the demand for the raw material would be lessened, as there are no unemployed laborers in England. From these premises, he concludes that the present low price of manufactures, particularly of woollens and cottons, is owing to the competition between the American and the English capitalists. The gentleman has forgotten the millions of paupers in England and Ireland, who are idle, not because they are unable or unwilling to work, but because they cannot get work. The pressure under which England suffers, is the want of a market for her products, not of laborers to produce them.

The southern grower of cotton is injured, in a variety of ways, by the American system. First. In common with the agriculturists, his expenses are increased by his being compelled to purchase dearer his implements of husbandry, and whatever he uses or consumes. Secondly. Although he sells his cotton at the same price to the American and to the foreign manufacturer, he pays to the former a higher price for his fabric. Thirdly. If foreign manufactures of cotton could be imported into the United States, upon the payment of a moderate duty, their cheapness would cause a greater quantity of them to be purchased, by which the demand for the raw material of the planter would be largely increased.

I will here notice an argument of another gentleman from Massachusetts, (Mr. EVERETT) which appeared to me to be an extraordinary one. That gentleman stated that the protection given to sugar greatly increased the income of the sugar planter, and afforded him much more than a compensation for the duties which he paid upon imports. Instead of this being an advantage to the southern States generally, it is strictly the reverse. The grower of cotton in South Carolina feels the tax upon sugar as sensibly as does the farmer in Maine or Massachusetts, and complains of it as one of the heaviest taxations of the tariff, by which contributions are forced from millions, to swell the coffers of two or three hundred sugar planters.

4thly. That the consumers of manufactures have no right to complain, &c. &c.

If the duties upon manufactures did not increase their price, the manufacturers would consent to a repeal of the tariff now in force. Their sole object in raising the duties, is to add them to the price of the article; and though, from the appreciation of money, the fall in the cost of raw materials, the improvement in machinery, and other causes, manufacturers may sell as low or lower than they did when the duties were less, yet, as we continue to import manufactures, and to pay the duties upon them, and as we give the same price for the domestic as for the foreign commodity, no proposition can be more incontrovertible, than, if the duties were repealed, the price to the consumer would be diminished by the amount of those duties.

When the gentleman from Massachusetts [Mr. DAVIS] argued that the price of manufactures was reduced to its

minimum, by the competition between American and British labor, he overlooked the very important fact which rendered his argument inapplicable—that the consumers were deprived of the benefit of this competition, by the high duties which are laid upon the manufactures which he purchases.

5thly. That, as foreigners impose restrictions upon us, &c. &c.

It is conceded by the restrictionists, that trade ought to be free, but they contend that, as other nations impose burdens upon our commerce, we ought to retaliate upon theirs. If, by subjecting the productions of foreigners to onerous duties, we could induce them to withdraw those restrictions which we complain of, it might, then, be advisable to resort to such an expedient; but, as we entertain no hopes of thus effecting this object, it surely would be better not to aggravate our own burdens by our own acts. If we cannot secure all the advantages of free trade, why not do so to the extent which is in our power? Great Britain levies customs upon our imports, and an excise upon internal consumption, for the sake of revenue, not of obstructing our commerce. We impose heavy duties upon imports, not for revenue, but to exclude cheaper foreign productions. Were our duties imposed *bona fide*, for revenue, which we required, however the impolicy of the measure might be censured, because it diminished instead of increasing the receipts at the custom-house, we yet should not condemn it as partial and unconstitutional. But supposing the argument of the restrictionists, abstractly considered, to be correct, let us see upon what foundation their assertion stands, that Great Britain takes almost nothing from us. To show the amount of our imports from, and of our exports to, Great Britain and her dependencies, I will refer to the statements of the commerce and navigation of the United States, with which we are annually furnished by the Secretary of the Treasury.

Total value of imports by the United States from Great Britain and her dependencies, in the year ending 30th September, 1825,	\$ 42,394,812
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Total value of exports from the United States to Great Britain and her dependencies, during the same period,	44,217,525
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Of these exports, those of the growth, produce, &c. of the United States, amounted to	\$ 40,372,987
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And those of foreign articles, to	3,844,538
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Total value of imports by the United States from Great Britain and her dependencies, in the year ending 30th September, 1826,	32,212,356
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Total value of exports from the United States to Great Britain and her dependencies, during the same period,	28,980,019
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Of these exports, those of the growth, produce, &c. of the United States, amounted to	25,842,299
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And those of foreign articles, to	3,137,720
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Total value of imports by the United States from Great Britain and her dependencies, in the year ending 30th September, 1827,	33,056,374
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Total value of exports from the United States to Great Britain and her de-	
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pendencies, during the same period,

Of these exports, those of the growth, produce, &c. of the United States, amount-
ed to

\$ 30,041,545

And those of foreign arti-
cles, to

2,828,920

Total value of imports by the United States from Great Britain and her dependen-
cies, in the year ending 30th September, 1828,

35,591,484

Total value of exports by the United States from Great Britain and her dependen-
cies, during the same pe-
riod,

27,020,209

Of these exports, those of the growth, produce, &c. of the United States, amount-
ed to

22,689,718

And those of foreign arti-
cles, to

4,330,491

But it is peculiarly pressed upon us, that Great Britain excludes from her ports one great product, flour. What is the fact?

The total number of barrels of flour ex-
ported from the United States to all parts of Europe, Asia, and Africa, excepting to Great Britain and her dependencies, amounted, in the year 1827, to

21,365 barrels.

The number exported from the United States to Great Britain and her dependen-
cies, during the same period, amounted to

252,766 barrels.

The total number of barrels of flour ex-
ported from the United States to all parts of Europe, Asia, and Africa, excepting to Great Britain and her dependencies, amounted, in the year 1828, to

21,573 barrels.

The number exported from the United States to Great Britain and her dependen-
cies, during the same period, amounted to

161,070 barrels.

And yet it is alleged that Great Britain excludes our flour though we exported to her dominions, in 1827 and 1828, four hundred and thirteen thousand eight hundred and thirty-six barrels, and to the whole of Europe, Asia, and Africa, excepting Great Britain and her dependencies, only forty-two thousand nine hundred and thirty-eight barrels. The complaint of exclusion ought rather to be made against any European power than Great Britain.

Were our flour freely admitted into Great Britain, we greatly overrate the advantages which would result from it. In the year 1818, Great Britain permitted the unrestrained importation of wheat. The quantity which she imported in that year was one million six hundred and ninety-four thousand two hundred and sixty-one quarters exceeding what it had ever been before, or has ever been since; and its average price per quarter was four pounds three shillings and eight pence sterling. Of the quantity imported, Great Britain received

From Russia	-	-	242,628 quarters
Germany	-	-	243,181
Prussia	-	-	493,881

The United States, not more than 181,561

[See appendix to Statistical Illustrations of the British Empire, page 26.]

If large quantities of our wheat were exported to Great Britain upon the payment of a moderate duty, its price would be higher in the United States. Its comparative dearthness would raise the wages of the American workman; and thus, although the agriculturist might be benefi-

ed, the reverse would be the case with the manufacturer. Congress would then be called upon for large protective duties, on account of the free admission of our wheat into England, compelling the manufacturer to give higher wages to his workmen, whilst, from the same cause, the wages of the British operatives being diminished, the British manufacturer could undersell ours in a greater ratio than he can at present. Upon a principle strictly analogous to this, when the duties upon wool in England were reduced from six pence and three pence to a penny and a half-penny the pound, our manufacturers petitioned for, and obtained, an additional duty upon woollen manufactures.

Is it not evident that one restriction leads to another, until, at length, the whole labor of the nation is taken from the judgment and enterprise of individuals, and transferred to the arbitrary will of Congress? In France and England, and other European kingdoms, where trade is more or less trammelled, protection is not limited to one class—it is extended to all, so that each branch of industry enjoys some compensation for the burdens which it bears. Whereas, in our republic, although it is notorious that the agricultural and the commercial interests are depressed, at least, in as great a degree as the manufacturing, the undivided aid of the Government is granted to the manufacturer. If this be policy or justice, then have these terms lost the meanings which have been, hitherto, annexed to them.

Unless I labor under an egregious error, I think it will be apparent, from what I have submitted to the consideration of the committee, that we are prematurely rushing into a contest with Great Britain, in which we cannot but be sufferers. So long as she retains her immense capital, her abundant machinery, her overflowing population, and her consummate skill—so long as the cost of production, from these and other causes, is so much lower there than it is with us, her manufactures must be cheaper than ours. When the United States shall be in the condition in which Great Britain now is, they may contend with her manufacturers.

This must be the result of the moral and physical influences of time. By artificial means, we may create domestic manufactures adequate to our demands; but this can only be accomplished by partiality to the few, at the expense of the general welfare. Those manufactures which are adapted to our soil, our situation, and our wants, will be profitably pursued, provided the Government does not attempt to control them. Directed by the skill and economy of individuals, and the powerful incentives of interest and free competition, their progress would keep pace with the increase of our numbers and our wealth; but manufactures forced into precocious exertions by legislative bounties will either perish from unnatural stimulation, or flourish amidst the execrations of an oppressed, impoverished, and indignant people.

Mr. DENNY next addressed the committee, and observed, that, after a long and arduous struggle, the protecting system had been fairly adopted, and the country had settled down in the belief that it had become the established policy of the Government, and that all might rely upon it with safety. This belief, sir, has induced thousands of individuals, possessing skill, experience, and capital, to embark their all in manufactures, trusting to the good faith of the Government, that the protection afforded by the laws would not be withdrawn. The result to the country at large has been a beneficial one; the friends of the system have not been disappointed; their views have been sustained in every instance wherein its operation has been fairly tried, and time afforded for it to be fully unfolded. And the revenue of the country is derived under the same laws which are intended to provide protection for its domestic industry. With these two great and prominent objects, revenue and protection, before us, what, I would ask, are we called upon to do, by the amendment now under consideration, proposed by the gentleman from South Carolina?

MAY 8, 1830.]

The Tariff.

[H. of R.]

[Mr. McDUFFIE.] We are called upon, sir, to reverse the whole system of protection, without duly considering the probable effects upon the revenue, and totally regardless of the injury to the community, and the ruinous consequences to all those who have confidently relied upon the legislation of this Government.

What reasons are urged for the important change proposed to be effected in the policy of the Government by this amendment? Are they of a constitutional character? I believe few gentlemen will now seriously contend that to protect our own manufacturers and mechanics, the domestic industry of the country, is unconstitutional. I think the question is settled, and well settled. We are told, sir, that the oppressed condition and sufferings of some of the southern States demand this change. It is strongly alleged that these sufferings have been produced by this system, and that its destruction will bring relief.

The gentlemen have depicted to us, truly and faithfully, I presume, the sufferings of some of the southern States, according to their own view. I am willing to take the picture as it was presented, in all its strong coloring, and with all the highly finished and masterly touches which it has received. But I would ask the gentlemen whether it be quite certain that all this distress proceeds from the cause to which they ascribe it. Are there no other causes to be found nearer home, to which the distress and embarrassment described so feelingly may be justly attributed? If there be, I entreat gentlemen to pause, and not to destroy at one blow a system of vital importance to the country, since such destruction would do little or nothing to improve the condition of the South, while it would inflict ruin upon thousands in all other portions of the Union. I am fully aware that in the South all are taught to believe that the evils under which they labor proceed from that mischievous measure called the "tariff." If a bankruptcy happened, it was owing to the "tariff." If a merchant made a bad speculation, it was the "tariff" which caused its failure. If a planter became embarrassed, and obliged to sell a slave to keep up his expensive establishment, it was the "tariff" pressed him.

It would be well for gentlemen to examine this subject dispassionately. From the consideration which I have been enabled to bestow upon it, there appears to my mind to be another cause, to which all the evils complained of can be traced, and which is of itself sufficient to produce the effects which, in the South, are charged upon the tariff. This cause exists among themselves, and with themselves is the remedy. It is admitted on all sides that the proximate cause of the distress alleged to prevail among the southern planters, is the diminished price of the great staple commodity grown by them. This is sufficient to bring a pressure upon the cultivators of cotton, which will be most severely felt by those who may be in debt, and those who cannot diminish the expense of production. Similar effects were experienced in Pennsylvania, among the farmers, when there happened a great diminution in the value of their agricultural produce, either from an abundant harvest or inconsiderable demand.

The great cause, then, of the embarrassments in the South, is to be found in the low price of cotton. And to what are we to attribute this reduction in value? The demand for this article has not diminished; the consumption of it has increased astonishingly within a few years. But when production becomes excessive, when it is not met by a corresponding demand, the natural consequence is a reduction in price. Every day's experience proves this. And what has occasioned this excess of production? This is easily accounted for. Within a few years, a fine, fertile, and extensive country, embracing millions of acres, has been converted from a wilderness into cultivated fields, white with cotton. A new and rich soil and innumerable competitors have augmented the production enormously. Can we be surprised, then, that, under such circum-

stances, cotton should experience a decline in price? If, then, increased production and competition caused this result, which is the basis of all the complaints in the South, I beg gentlemen not to impute them to the tariff. Would a repeal of the tariff raise the price of cotton? Would it diminish the quantity in market, restrain competition, and render the land less productive? By no means. How, then, does it affect the price? Why, the gentleman from South Carolina [Mr. McDUFFIE] has affirmed that the adoption of this measure by the Government has destroyed their commerce. This is an effect which I am wholly unable to discover. Surely, sir, Government has imposed no restrictions upon this commerce. It is unshackled, and as free as the winds which waft it across the ocean. No duty is laid upon their exports, and no impediment is laid in their way. But the gentleman [Mr. McDUFFIE] insisted that "a duty on imports was, in effect, a duty upon the exports;" that "the duty was paid by the producer, and not by the consumer." This argument is entirely new to me; I have never heard it urged before; it belongs, I think, exclusively to the present Congress. Our constitution declares that "no tax or duty shall be laid on articles exported from any State;" and it grants to Congress the express power to lay imposts or duties on imported articles. Is it not clear, then, that the wise framers of that instrument considered exports and imports so entirely distinct, that the former could not be affected by, or subject to, duties, restrictions, or regulations, imposed upon the latter? It is now said that where the exports are owned, there the imports, also, belong, and there the duties are paid; that the southern States are the producers of nearly one-half the domestic exports, and that they consequently pay the greater portion of the revenue of the country; they, being the producers, pay the tax, and not the consumers. I shall not detain the committee, by going into a detailed examination of this argument; it has, in my humble opinion, been so completely refuted by the gentleman from Massachusetts, that I am almost ready to believe the gentleman himself is willing to abandon it. By observation alone, without argument, we may satisfy ourselves that the position assumed by the gentleman is not tenable. Pass through the States of Pennsylvania and Ohio; visit the innumerable towns and villages which are scattered over them; you will find them all well supplied with shops and stores, in which every species of foreign merchandise is offered for sale. Where and by whom were the duties paid? Certainly at the port of entry first, and by the importing merchant, who adds the amount to the invoice price of the articles; and, finally, the purchasers and consumers in Pennsylvania and Ohio pay, in the price they give for the merchandise, the duties, and all other charges, for transportation, commission, &c.

This has always been considered as the true state of the case, and the gentleman [Mr. McDUFFIE] himself has, on this very floor, not long since, advocated this doctrine. He may now have reasons satisfactory to himself for changing his opinion; but as the sentiments of that gentleman have always been received here with great attention and respect, and carry with them considerable weight, I will take the liberty of reading, in part, as a reply to his argument on the present occasion, his own sentiments, expressed on this floor upon another subject, and to which I ask the attention of the committee. In 1825, a debate arose in this House on a bill to provide for the continuation of the Cumberland road. The gentleman from South Carolina [Mr. McDUFFIE] addressed the Committee of the Whole in opposition to the bill; and, in the course of his remarks, he asks, alluding to Kentucky, a tobacco producing State, "how was her portion of the revenue of the General Government now paid?" He answers the question. "In the price of the articles of foreign growth or manufacture which they consume." He was replied to by a distinguished gentleman from Massachusetts, now a

member of the other House, to whom the gentleman from South Carolina, [Mr. McDuffie] in reply, observed: "The gentleman appears to have misconceived my argument with respect to drawing revenue from one part of the country, and expending it in another; and, in his reply, sets out with the doctrine that it is the consumer who pays the tax. Sir, we all know this. I should be ashamed, indeed, standing, as I do, on this floor, if that doctrine were new to me. The consumer does pay the tax, but he pays it in the price of the article." I make no comments, and leave it to the gentleman himself to reconcile these sentiments with the new doctrine which he now strenuously supports.

The gentleman, in his vehement and emphatic manner, declares, "you have destroyed the value of our cotton; it has fallen from thirty to ten cents per pound." And he afterwards says that "the price at Liverpool is the governing price of the world; we cannot change it." Here is discrepancy which I cannot reconcile. The price of cotton at Charleston is regulated by the price at Liverpool; and, if we cannot change it, how is it possible for our tariff to have effected the least reduction in the price of cotton at Charleston or Liverpool, or to have destroyed its value? Our measures cannot control the cotton market at Liverpool; it is regulated by the market of the world, not by the price and consumption of cotton goods in the United States. This is a small matter, comparatively; it is the demand throughout the world which either depresses or enhances the value of the cotton manufactures of Great Britain, and this has a direct influence on the price of the raw material.

When we look at the immense quantity of the raw material now thrown into market from various parts of the world, that from the United States having increased in the last year from one hundred millions of pounds to about three hundred millions, nearly the whole of which is sent to the Liverpool market; and when we take into consideration the almost minimum value to which the British cotton manufactures are reduced, can any one hesitate to believe that the causes are abundantly sufficient to create the distress among the producers, of which the gentleman complained? Competition invariably reduces the price, and tends to over-production. What has brought the British goods to the low price they now bear, and their "operatives" to the minimum point of subsistence? Competition among the growers of the raw material, in different parts of the world, depending upon the same market, and increased and overstrained competition among the manufacturers.

The British, in the markets of the world, now meet with competitors from all nations. Every nation which has any regard to its own independence and internal prosperity, has adopted measures to protect and encourage its own commerce, navigation, and domestic industry. This policy has, in some degree, affected the state of the British manufactures. The workshops of the world are no longer to be confined to Birmingham, to Manchester, to Leeds, and to Sheffield. The British statesmen are aware of the change which is in progress, and are fearful of the consequences. Hence it is now their policy to keep things stationary; to endeavor to persuade all other nations "to let things alone." If these endeavors should prevail, the British then will maintain the superiority they now possess, and other nations will make no progress, but continue dependent.

This is one object to be accomplished by the free trade clamor, and reciprocity treaties. And I trust, sir, that our Government will never be beguiled into the reciprocity system with Great Britain; it would be fatal to our best prospects. If we were upon an equality with her in power, in wealth, in continental influence, perhaps no disadvantage might ensue to us under such a system. But, sir, look at her innumerable maritime posses-

sions in every quarter of the globe, fruitful in all the productions which the earth can yield; look at her extensive commercial, marine, and naval force; her capital, her perfection of machinery, and minute division of labor reduced to a minimum price, and then tell me, what nation could compete with her under a reciprocity system? The advocates of free trade remind us that Great Britain has recently relaxed from the restrictive system, and repealed many of her laws imposing high duties.

True, sir; but what does it amount to? Nothing more than this—establishing what are called "prohibitory duties," in lieu of absolute prohibition. The effect is the same. Has she established free trade? No, sir; there is too much wisdom in her councils to commit an act which would ruin her agriculture, and bring distress and embarrassment into every part of the kingdom. What has she done? A large amount of nominal duties has been repealed, or, rather, the rate of duty has been lowered in many instances, but only in those cases where the duty yet operates at least as prohibitory; so that her system, which is by some miscalled free trade, is still restrictive and protective. We may be led astray by British doctrines of political economy, but we cannot be deceived by their practice and example.

Mr. Huskisson, the great father of what some gentlemen have called, on this floor, the free trade system, expressly claims that his is a protecting system. He well knows, that, under this system, the manufactures of Great Britain have been brought to perfection; her commerce and navigation increased beyond a parallel; and, if adopted and persevered in in our country, will build up our manufactures, increase our home trade, our wealth and power, and eventually establish us as the great rivals of the British in every market. What are we to understand by Mr. Huskisson's system of free trade? He tells—I quote his own language:

"Free trade, not in the sense in which some persons understand the term, but free trade from all duties excepting those which are necessary to give the trades of different countries an equal footing in the markets, and to protect them from the exclusive advantages which many nations would wish to establish in their own favor."

Again, he says: "I do not know why protecting duties should not be granted to a certain degree on the productions of this country, or upon whatever may be produced by British skill, or by the application of British capital."

"The principle is to countervail the advantage that other countries may have, so that the products of each may enter the different markets upon equal terms. To establish a uniform tariff for the whole, (foreign countries,) and to reduce that tariff to the lowest degree consistent in each particular article with the two legitimate objects of all duties, either the collection of the necessary public revenue, or the protection requisite for the maintenance of our own internal industry; these are the principles according to which our new book of rates is formed."

Protection, we find, is the basis of Mr. H.'s system of free trade. Do we, the advocates of restriction, as we are called, contend for any thing more? All we ask for is protection of our own internal industry. I go no further than the principles according to which Mr. Huskisson has arranged his new book of rates; and when he abandons them, he abandons the protection of internal industry, and with it the best interests of his country. We have experienced the benefits of the protecting system in our own country. It has built up our navigation interest, (an important interest, which I hope never to see crippled by the reciprocity system,) and will push forward our manufactures until we shall become completely independent.

It was ingeniously urged by the gentleman from South Carolina, [Mr. McDuffie] that the two millions of people in the cotton, rice, and tobacco producing States, paid about two-thirds of the whole revenue of the United States.

MAY 8, 1830.]

The Tariff.

[H. of R.]

This argument struck me as possessing the merit of novelty at least. Heretofore, I have heard it asserted by gentlemen opposed to the tariff, that it was taxing the many for the benefit of the few. But now the argument is reversed, and we are taxing the few for the benefit of the many. Surely, sir, the proposition cannot be sustained. Can any gentleman believe that ten millions of people in the United States eat less, drink less, use less clothing, and otherwise consume less, than the two millions in the southern States? Can it be possible that in the South there is a greater consumption of foreign goods, more wine drank, more tea, sugar, coffee, and hardware used, than among the (10,000,000) ten millions of people in the other States? The commerce of the country, we are told, belongs to the South. Upon this point there was a time when the gentleman entertained more liberal views. He will, therefore, pardon me while I take the liberty of quoting his own language:

"The back country of South Carolina has no more interests in commerce, than every gentleman in the western country has. Commerce, from its universal diffusion and influence, is exclusively national in its nature, benefiting equally every part of the country."

The gentleman, however, asserted that this their commerce is to be destroyed, and accordingly denounced the protecting system as tyrannical, oppressive, unequal, and unconstitutional. Here I would remark that this system, which is now so much abused by certain gentlemen, and against which they declaim so violently, has met the approbation of our Presidents, from Washington to the distinguished individual who at present occupies the Presidential chair.

And, sir, as the opinions of Mr. Jefferson are now in high repute here, I would ask gentlemen who venerate the character of that eminent man, and profess a strong attachment and great deference to his opinions on some other subjects, to be consistent with themselves, and show some little regard for his sentiments in relation to the policy of encouraging domestic manufactures. Permit me to read a passage or two from a letter of his to Benjamin Austin:

"That to be independent for the comforts of life, we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. The grand inquiry now is, shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufactures, must be reducing us either to a dependence on that nation, or to be clothed in skins, and to live like wild beasts in dens and caverns. Experience has now taught me that manufactures are now as necessary to our independence as to our comfort."

Such were the opinions of Mr. Jefferson in 1816, the very year in which, it is said, the system for the encouragement and protection of our manufactures had its origin, or was distinctly avowed. Upon this principle of protection to our citizens in their lawful pursuits, the Government has acted from the period of its organization. Your statute book is crowded with acts intended to protect and encourage merchants in their commercial pursuits. When commerce was assailed, the arm of the Government was stretched forth for its defence; embargoes and non-intercourse were resorted to; when these were not sufficient, a navy was equipped, the sword of the nation was drawn, war ensued, and blood was the price paid for protection. And shall we leave our mechanics and manufacturers to suffer from the withering influence of foreign regulations, without attempting to countervail them? When their pursuits are assailed by frauds, by perjuries, by fraudulent invoices, by desperate and bankrupt foreign merchants and manufacturers, becomes, then, the arm of the Government paralyzed? Shall protection by legislation be withheld from those industrious men who work for you in peace, and fight for you in war? And must they be left to perish

in an unequal and unfair contest? Sir, they ask not for bounties—these would not be easily obtained from this body. Applicants for favors here, more frequently meet with frowns than smiles; they ask for protection; they have a right to expect it, and it is the duty of the Government to afford it.

The internal industry of our country must be sustained, that we may acquire absolute independence. Of what value is our political liberty, of what account is our power to meet here freely to legislate for the Union, if we cannot avail ourselves of our natural resources, to rescue us from a humiliating dependence upon foreign nations? If political freedom was worth the severe struggle of the revolution, certainly to establish ourselves wholly independent of our first, our last, our only enemy, for the supply of articles necessary to our comfort, security, and defence, and which enter largely into the consumption of the country, is worthy a powerful effort, although it might be attended with a temporary inconvenience. We can have no security except in a reliance upon our own resources; upon the industry, skill, and enterprise of our own citizens, protected by wise and salutary laws. Such a policy gives life, vigor, and reality to freedom, and diffuses through our extensive country, energy, wealth, and power, calculated to make us happy at home, feared and respected abroad. Under its benign influence, our bays, our rivers, our lakes, our canals, and roads will teem with commerce, a home trade, a thousand times more valuable to the country than all its boasted foreign commerce; requiring no expensive navies to protect it; which the caprice and hostility of a foreign nation can neither impair nor annihilate.

Sir, much warmth and zeal have been manifested by gentlemen in the progress of this discussion; this may be all well enough, if intended to recommend them to southern cultivators, but is out of place here. When the gentleman [Mr. McDUFFIE] attacks with such intemperate severity the right of the majority to govern, he attacks the fundamental principle of our republican institutions; he attacks the very principle which has given to him a seat on this floor. If the gentleman supposes, by the use of epithets, harsh terms, and reviling the majority of this House, stigmatizing it as an interested, oppressive, tyrannical, plundering majority, to bring it into derision, to degrade the Government of his country in the minds of his constituents, and encourage them to an open resistance to its laws, he may possibly succeed; and, if he does, he will be among the first to deplore the consequences. We have been told, sir, that there exists in South Carolina a great excitement; that they are a high-minded and magnanimous people; that they are ground down to the earth by the protecting system, will be driven to extremities; that forbearance on their part is no longer a virtue; that resistance may be expected; that the measures of Government, if adhered to, will, in South Carolina, "spring up in armed men." I attach very little weight to such high-toned declarations; they may do very well to garnish a fourth of July oration, or answer an electioneering purpose during a canvass; they will fail of an effect here. And I would merely remark to the gentleman from South Carolina, [Mr. BLAIR] that, from the fate of the "armed men," whose story has furnished him with a trope so felicitous, he may derive a salutary moral; they turned their arms against each other, and nearly all perished the victims of fraternal war—

—"*cadunt subiti per mutua vulnera fratres.*"

Sir, I regret to see this spirit among our southern brethren. That there is an excitement of the kind described, among them, may be all very true; I believe it; and it may be bordering upon frenzy, and wrought up to a high degree by intemperate political harangues and declamation. How is it to be allayed? What does the magnanimity of the South require of us in order to appease the angry

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The Tariff.

[MAY 8, 1830.]

spirit of the storm which lowers in their horizon? Nothing less than the sacrifice of the industry, interests, prosperity, happiness, and independence of at least eight millions of people. This is what is now demanded of those who advocate the protecting system. The storm may gather on; let those who have been the instruments of exciting it, suppress it; they can effect it without any sacrifice of their political or natural rights; both may be preserved with the public peace. But their menaces will never deter me from a faithful and fearless discharge of my duty here to the Union.

Let me now ask, what would be the consequences to the State which I have the honor in part to represent, if this amendment should be adopted? Disastrous in the extreme. Pass this amendment, and you sweep with the besom of destruction one of the fairest portions of our country. It aims a death blow at the best interests of Pennsylvania; it strikes at her iron, her salt, and other extensive manufactures. Pass it, and you will spread ruin and distress where now is to be met the cheering hum of industry; and scenes will arise more calamitous than any that ever yet visited that State. Her manufactures are now generally in successful operation; this amendment would overturn them. Upon my native city, which, from her numerous and extensive manufacturing establishments, has been called the Birmingham of America, this amendment would inflict the most disastrous effects; adopt it, and you pass a ploughshare over a city of twenty thousand inhabitants, and consign that now flourishing and growing place to depopulation and ruin. Many other now populous and thriving cities and towns, not only in Pennsylvania, but in other manufacturing States, would share the fate of Pittsburgh. And all this would be brought upon those who have confided in your acts. The manufacturers have relied upon your legislation as a pledge that they would be protected. In Pennsylvania, the manufacturers of iron and cotton have greatly increased within a few years. Your legislation has encouraged thousands to embark their fortunes, their credit, their skill, their industry, their all, in enterprises and establishments eminently beneficial and important to the country. All these it is now proposed to prostrate at a blow. Are the previous acts of this Government to be considered as involving no pledge on its part? Are these, and all arguments in favor of the system of protection, to be derided as the doings of an interested and selfish majority? If the solemn legislation of the Government is not to be considered as a pledge, what is it? It is mockery, it is insult, it is an invitation held out to lure to their own destruction those who trust in it. Will this Government first invite its citizens to adopt certain measures, and to engage in certain pursuits and employments of capital and industry? and, after they have done so, are they to be overwhelmed in calamities and ruin by the versatile and reckless legislation of this body? The evil would not rest with Pennsylvania, and other manufacturing States; it would affect the whole community; and the South would not escape its aggravating influence. What would be the effect of all this? Do gentlemen imagine it would raise the price of cotton? Certainly that cannot be expected. Will it heal the grievances of the southern States? Will it soothe their wounded feelings? Will it afford them any consolation to be told of, or to witness, the distress and embarrassments which would be brought upon Pennsylvania by the proposed amendment? I appeal to the gentlemen themselves, and ask if the prostration of the industry of Pennsylvania would quiet the complaints and the excitement in the South, of which we have heard so much.

The gentleman from South Carolina who immediately preceded me, [Col. DRAYTON] has endeavored to show that the manufacturers are suffering from the very measures which they themselves solicited. Sir, I differ from him radically in that view of the subject. I may speak

from my own observation. I have lived long enough to witness the salutary operation of the protecting system. During the late war, when most foreign manufactures were necessarily excluded, domestic commerce and manufactures, in the district from which I come, rose rapidly to a flourishing condition: all kinds of industry prospered; the farmers found ready markets for their produce: laborers, mechanics, and manufacturers were actively employed. A change awaited us; peace returned, and that which diffused joy and gladness through other parts of the country, brought gloom and distress upon us. The picture has been altered. After suffering for several years, during which period business sunk to the lowest point of depression, manufactures were every where going down, and our artists, without employment, were thrown helpless and penniless upon the world: at length protection came; the encouragement of the new tariff changed the scene, and, where once gloom and despondence prevailed, you will now find a flourishing city, crowded with an industrious population, whose manufactures have quadrupled under your much abused protecting system. I wish that southern gentlemen, in making their tours of pleasure or for health, would visit our section of the country; there they would receive practical illustrations of the benefits of the system, and of its general importance to the whole country, and particularly to the West, even "the far, far West," to use the terms of the gentleman from New York, [Mr. CAMBRELENG] who seemed to think the West deserved his sympathy for the sufferings which he supposes they endure under this system. Sir, I am from the West, although not from "the far, far West;" we know the burdens we bear, the taxes we pay; and also know and appreciate the great advantages derived from the protecting system. Yes, sir, it is as beneficial to the West as to any other portion of the country. Let the gentleman take his stand on the bank of the Ohio river, that great highway of the Union, he will then see what this great system has effected for the West, even for the "remotest West." He will see the productions of every western State hurried along, in steamboats, to the great manufacturing district at the head of the Ohio, to be consumed there, and among the extensive iron establishments in the interior of Pennsylvania. Sugar and molasses of Louisiana, lead and peltries from Missouri and Illinois, pig iron and cotton from Tennessee, bacon, hemp, and tobacco from Kentucky, and various productions of Ohio, are exchanged for the domestic manufactures of iron, glass, paper, steel, cotton, woollen, and other articles derived from the industry and skill of manufacturers in Pennsylvania, and parts of Virginia and Ohio. This is but a sketch, a mere outline of the picture. The whole interior feels the life-giving touch of the American system. Sir, before gentlemen fix all the sufferings of the South upon this course of policy, ought they not to pause, and weigh well both facts and arguments?

The gentleman from South Carolina [Mr. DRAYTON] thinks we cannot manufacture as cheaply as the British; that they can undersell us here, even in the cotton goods. Here, sir, experience and facts are at war with the gentleman's assertion. The protection afforded to our cotton manufactures has accomplished the great object intended, and we can now be supplied with the coarser kinds of cotton, and with cotton yarns, at prices not higher, if not less, than those at which the foreign fabrics could be sold at a fair sale. I hold in my hand a letter from a person engaged in the cotton business in Manchester, stating the prices there in December last. I have, also, a statement of the prices in Philadelphia. From these it appears that the Philadelphia yarns can be purchased for less than the Manchester yarns, and that cotton cloths rate at about the same with the Manchester; it is, however, generally admitted that the American fabric is, in quality, superior, and, I believe, is preferred in the Canton and Mexican markets. Why, then, it may be asked, keep up the

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Bank of the United States.

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duties? Sir, to shield our own manufacturers, who, by their ingenuity, skill, and superior work, can compete with the British, not only at home, but even in the foreign markets, from frauds, and an unfair competition, from sacrifices at auctions, which desperate and bankrupt British dealers and manufacturers find it necessary to make.

The gentleman seemed to think that we should relax the restrictive system, because, he says, the British take from us more flour than all the other countries of Europe, Asia, and Africa together. Let us see how this matter stands, and whether we ought to favor the British manufacturer in return for the purchases of our flour by the subjects of Great Britain.

Exports of Flour, from 1st October, 1827, to 30th September, 1828.

Total quantity of flour exported from the United States to all parts, 860,809 barrels, of which there were exported to England	21,488
Ditto to Scotland	1,770

Total exported to Great Britain	23,258
Total exported to Gibraltar	50,593
To other British possessions	87,219

Grand total of flour exported to Great Britain and her dependencies	161,070
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There were exported to Cuba	110,610
To Danish West Indies	145,261
To Brazil	157,194

Now, sir, it appears that the small island of Cuba takes from us nearly as much flour as the whole British empire; that Brazil and the Danish West Indies, each, also take from us almost as much as Great Britain and Ireland, with all her other possessions, in Europe, Asia, and America. We are under no obligations for British consumption of American bread stuffs. The truth is, they will receive nothing of the kind from us until their people are threatened with starvation. Flour shipped to Great Britain must be there bonded, and cannot be taken into market unless at high rates of duty, even when there is a scarcity, and the wheat of that country has risen to a price exorbitant.

While on this part of the subject, permit me to give Mr. Huskisson's opinions in relation to the protection of the agricultural interests of Great Britain. He says:

"There is, therefore, no effectual security, either in peace or war, against a frequent return of scarcity, approaching to starvation, such as we have of late years so frequently experienced, but in our maintaining ourselves habitually independent of foreign supply. Let the bread we eat be the produce of corn grown among ourselves, and I, for one, care not how cheap it is; the cheaper the better; it is cheap now."

[It was then at seventy-two shillings per quarter.]

"Again: To ensure a continuance of that cheapness and that sufficiency, we must ensure to our own growers that protection against foreign import which has produced these blessings, and by which alone they can be permanently maintained. A steady home supply is the only safe foundation of steady and moderate prices."

Such is Mr. Huskisson's doctrine; and it is to this I wish to confine those gentlemen who point to him as the polar star of free trade. Protection is the basis of Mr. H.'s whole system; protection of British industry against all foreign rivals. We ask the same for American industry.

Having the honor, in part, to represent a district in Pennsylvania distinguished for its manufactures and its manufacturing population, I cannot refrain from noticing the remark made by the gentleman [Mr. McDuffie] relative to the influence which he supposes is exercised at elections by capitalists or employers, who are stigmatized as cold hearted, avaricious monopolists, who exert a venal

influence over the persons in their employment. The gentleman does them gross injustice; they are honorable men; men of integrity; men of liberal, of generous feelings, especially towards those who are dependent upon them. They would disdain to corrupt or intimidate even the most humble, obscure, and dependent individual attached to their establishments. They well know that efforts of this kind would recoil upon themselves, and bring upon them the indignant frowns of an honest community. The gentleman is also much mistaken in the views he entertains of the character of our mechanics, by supposing, for a moment, that they are influenced by corrupt motives of self-interest, or the fear of offending those by whom they are employed. Sir, I was born among mechanics; I have been brought up among them; I live in their very midst; I know them well; I know they deserve no imputations of this kind. These men are as honorable as any class in our community. A strong feeling of independence governs them in their opinions, and in the exercise of their rights. Although they are mechanics, they are not the less virtuous on that account; they know that they are freemen; they feel that they are freemen, and like freemen they act. They are as patriotic, and as much devoted to their country, to its laws, and to the Union, as the man who rolls in affluence, and may have a thousand slaves to call him master. Such I know to be the character of the people of Pennsylvania; of her mechanics and her manufacturers; and such, I trust, it will ever remain. If they should ever become so degraded as basely to barter their principles for interest, they will then no longer deserve to be free.

[It was now after five o'clock.]

Mr. BURGESS moved that the committee rise, wishing to deliver his views on the important subject under debate, but unwilling to commence at so late an hour of the day.

The committee refused to rise, and Mr. BURGESS declined going on.

Mr. McDUFFIE expressed a wish and a right, by parliamentary usage, to close the debate, and hoped no gentleman would reserve his remarks until after he [Mr. McD.] had spoken.

Mr. BURGESS, however, would not consent to commence what he wished to say, at so late an hour; and, after one or two motions to that effect,

The committee rose, and the House adjourned.

MONDAY, MAY 10, 1830.

BANK OF THE UNITED STATES.

Mr. POTTER, of North Carolina, by leave of the House, offered the following resolutions:

1. *Resolved*, That the constitution of the United States confers no power on Congress to establish a corporation with authority to manufacture money out of paper, and circulate the same within the limits of any of the States.
2. *Resolved*, That if such power existed in Congress, it were unwise and inexpedient to exercise it, and especially to the extent contemplated in the present charter of the Bank of the United States,
3. *Resolved*, That the paper money or banking system, generally, is in its tendency ruinous to the interests of labor, and dangerous to the liberties of the people.
4. *Resolved, therefore*, That this House will not consent to the renewal of the charter of the Bank of the United States.

The resolutions having been read,

Mr. POTTER said it was not his object to invite discussion on the subject at this time. He had offered the resolutions as a set-off to the report of the Committee of Ways and Means, on the same subject; and he pledged himself, whenever it came up for consideration, to make good the propositions embraced in his resolutions. He had offered them altogether, independently of any regard to mere personal partyism, with which he acknowledged no sympathy

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whatever, but as a guaranty to the American people, from his place in this House, that the measure, to prepare the way for which the report of the Committee of Ways and Means had been brought in, would be resisted here. It should be resisted here; and he earnestly hoped that the people, in every section of the United States, would, forthwith, fix their attention upon this subject, as one involving, in the most essential manner, their dearest rights and interests; and that, by a timely and vigilant exercise of their power at the polls, they would take care to organize this House with a direct reference to the adjustment of this question. For the present he moved to lay the resolutions on the table.

Mr. WHITTLESEY demanded that the question, whether the House would consider the resolutions, should be put, lest the entertaining of the motion by the House might affect the price of the stock, &c.; but,

The SPEAKER deciding that the motion to lay on the table took precedence of the motion of "consideration,"

The question was put on laying the resolutions on the table, and decided in the affirmative as follows:

YEAS.—Messrs. Alexander, Allen, Alston, Anderson, Angel, Archer, P. P. Barbour, Bell, John Blair, Boon, Borst, Brodhead, Brown, Cambreleng, Carson, Claiborne, Clay, Coke, Hector Craig, Robert Craig, Crawford, Crockett, Crocheron, Davenport, J. Davis, W. R. Davis, Deberry, Denny, Desha, Earll, Findlay, Ford, Forward, Fry, Gaither, Gordon, Green, Hall, Harvey, Haynes, Hemphill, Hinds, Hoffman, Hubbard, Ihrie, Irvin, Isacks, R. M. Johnson, C. Johnson, Kincaid, P. King, Lecompte, Lewis, Loyall, Lumpkin, Martin, Thomas Maxwell, McCreery, McCoy, McDuffie, McIntire, Mitchell, Monell, Nuckolls, Pettis, Polk, Potter, Powers, Rencher, Roane, Russel, Scott, Wm. B. Shepard, A. H. Shepperd, Shields, Semmes, Sill, S. A. Smith, Speight, Stanbery, Standifer, Strong, Trezvant, Tucker, Verplanck, Wayne, Weeks, Wickliffe, Williams, Yancey.—89.

NAYS.—Messrs. Armstrong, Arnold, Bailey, Noyes Barber, Barringer, Bartley, Baylor, Bockee, Burges, Cahoon, Chilton, Condict, Conner, Cooper, Cowles, Crane, Creighton, DeWitt, Doddridge, Duncan, Ellsworth, Geo. Evans, Joshua Evans, Edward Everett, Horace Everett, Finch, Gilmore, Grennell, Hawkins, Hughes, Hunt, Huntington, Ingersoll, Jennings, Johns, Kendall, Letcher, Martindale, Lewis Maxwell, Mercer, Miller, Muhlenberg, Norton, Pearce, Pierson, Ramsey, Randolph, Reed, Rose, Ambrose Spencer, Stephens, Sutherland, Swann, Swift, Taylor, Test, Vance, Varnum, Vinton, Washington, Whittlesey, Wilde, Wingate, Young.—66.

Mr. DRAYTON, of South Carolina, and Mr. WHITE, of New York, were, at their own request, excused from voting on the question, each stating that he was interested as a stockholder in the bank.

Mr. HALL, of North Carolina, stated to the House that as he happened to be without the bar of the House when his name was called, he was therefore precluded from voting, but that he would have voted against laying the resolutions on the table.

Mr. ARCHER rose to move that the resolutions be printed; but the admission of a motion requiring unanimous consent, and it being objected to, the motion failed.

PUBLIC LANDS.

Mr. ISACKS, from the Committee on the Public Lands, reported, without amendment, the bill from the Senate "to reduce the price of a portion of the public lands heretofore in market, and to grant a preference to actual settlers."

Mr. I. remarked that this bill was a mere remnant of a system familiar to the House; that the provisions of the bill were simple, and easy to be understood, and contained nothing which required a reference of it to a Committee of the Whole House. He, therefore, would not

move its commitment, which would only tend to delay the bill, but that it be postponed to Monday next for consideration in the House.

Mr. A. H. SHEPPERD, of North Carolina, differed from Mr. ISACKS. He suspected that this bill was not the remnant of an old system, but the stepping stone to a new one. At any rate, it proposed a measure of a very grave and important character, and he hoped it would take the ordinary course, by going to a Committee of the Whole House, where it could be examined and discussed. He made that motion.

Mr. VINTON, of Ohio, made a few remarks to show the necessity of passing on this bill before the close of the present session. The bill proposed to reduce the price of certain of the public lands from one dollar and twenty-five cents to seventy-five cents an acre, and, if it were permitted to lie here unacted on, no one would enter public land while the measure is pending. The effect would be, therefore, to suspend the entry of lands until the bill was finally disposed of, and the revenue from that source be consequently cut off. He hoped the bill would not be committed, because that would endanger its being acted on during the session; but that it would be taken up on Monday next, and either passed or rejected; if rejected, the public mind would be undeceived, and settlers would know what they had to depend on.

Mr. IRVIN, of Ohio, made a few remarks to show the injurious effect which this measure would have on the interests of Ohio, and that he wished time to reflect on and examine it, no opportunity for doing so having been afforded to him by the Committee on the Public Lands.

Mr. WILLIAMS, of North Carolina, moved the indefinite postponement of the bill; but this, under the pending motion, not being in order, he varied it to a motion that the bill be laid on the table.

Mr. WHITE, of New York, called for the yeas and nays, and they were ordered.

Mr. CLAY asked Mr. WILLIAMS to withdraw his motion, to give an opportunity for one or two words of explanation.

Mr. WILLIAMS replied, that, if one or two words were said for the bill, one or two would be said against it; he, therefore, could not withdraw his motion.

The question was then taken on the motion to lay the bill on the table, and decided in the negative by the following vote: yeas, 60—nays, 118.

Mr. JENNINGS said, the subject of this bill was not so new as some gentlemen imagined. It had been before Congress in one form or other for six years past. He proceeded to make some remarks on the bearing of the bill; but the merits of it not being in order, he was interrupted by the Chair; and

The motion to postpone the bill to Monday was agreed to. Mr. VINTON then submitted the following substitute, which he intended to offer when the bill should come up for consideration, and which, on his motion, was ordered to be printed, viz.

Be it enacted, &c. That all public land which has been or may be exposed to sale for the several periods of time hereinafter enumerated, and remains or shall remain unsold, shall be thereafter subject to entry and sale at the prices hereinafter specified, that is to say: for twenty years and upwards, at one dollar per acre; for twenty-five years and upwards, at eighty cents; for thirty years and upwards, at sixty cents; for thirty-five years and upwards, at forty cents; for forty years and upwards, at twenty cents; for forty-five years and upwards, at ten cents per acre.

SEC. 2. *And be it further enacted,* That, before any tract of land shall be subject to entry at any of the prices aforesaid, it shall, at each of the aforesaid periods of time, be offered at public sale in the same manner that the public lands are or may be required, by law, to be exposed at public vendue; and, at such public sale, the land so of-

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ferred may be sold for any sum per acre not less than that at which it will be thereafter subject to entry under the foregoing provisions of this act.

Sec. 3. *And be it further enacted*, That, when any tract of land shall remain unsold after having been for fifty years exposed to sale, according to the provisions of this act, it shall not be thereafter subject to entry and sale at the land office for the district within which it may be situated, but shall be withdrawn from market, and remain subject to the future disposition of Congress.

THE TARIFF LAWS.

On motion of Mr. MALLARY, all the intervening orders, engrossed bills, &c. were postponed to a future day, and the House resolved itself into a Committee of the Whole, Mr. POLK in the chair, on the bill "to amend the act in alteration of the several acts imposing duties on imports." The question being on Mr. McDURRIS' amendment,

Mr. BURGESS rose, and said, he would first of all present to the gentlemen of the committee his most cordial thanks for the courtesy of their last adjournment. The question had been ably discussed, but not altogether finished; and he had more fear of wearying their patience, than hope of exhausting the subject under debate. I would not trespass on your indulgence, [said Mr. B.] by any attempt to do again what has been already so well performed. Where better hands have reaped, I will satisfy myself with the humbler office of gleaner the field; or such diligence as they have bestowed on cutting the crop, I will endeavor to bestow on bringing home and securing the harvest.

Should any one throw a lighted torch into a field of ripened corn, all honest men would rush forward to extinguish the flame. If such a thing, left by the incendiary, were found by the prudent husbandman, burning in his orchard or garden, he, although without fear that his green grass or flourishing trees might be injured, yet would, from habitual care and prudence, either with his foot or his hoe, strike out and extinguish the smoking nuisance.

When deleterious nostrums or counterfeited coin are abroad, the press takes jurisdiction of the circulating mischief; and, by advertisement, the people are warned to secure their pockets and preserve their persons. We enact precautionary laws to exclude pestilential diseases; and he who should wilfully bring the plague into a populous city, might, even in the most free country, be in danger of receiving the reward of his wickedness.

These are but minor, because limited and circumscribed mischiefs. When sovereigns mingle brass with silver or gold, and thus debase the coin, they become (if so humble a term may be applied to such elevated delinquents) the swindlers of nations. When statesmen adulterate the great fountain of public opinion, they mingle poison with the streams from which a whole people drink. Men, deluded and deceived by the maddening draughts, see, or seem to see, deadly foes in their fellow-citizens, their neighbors, friends, and brothers. Like the tenants of a maniac hospital, they, for imaginary wrongs, fly at each others' throats. Demagogues again drug the bowl, and again the delirious potation is swallowed; and thus it comes to pass, that this fair world is changed into a paradise of demons. It is, sir, as if, "for some strong purpose," the God of heaven might permit the prince of the powers of the air to blow out from his sultry and midewed lips an poisoned atmosphere; so that the dews and showers should fall, deleterious and desolating, on the green bosom of the earth; and this bland and refreshing air become "none other than a foul and pestilential congregation of vapors."

Under the influence of this debased condition of public opinion, the American people are slandered; their laws calumniated; the national policy is traduced; and this, not only by hiring foreigners, but the same maledic-

tions are "set in note-books, conned and learned by rote," and uttered and published; "and cast into our teeth," in the councils and legislative halls of our own nation.

The political literature of England is imported into the United States. All the false and fabricated theories of the old world, whatever has been tried, and convicted, and branded in England, though condemned like common felons to transportation there, are with a diligence unknown in former times, imported and naturalized, and acclimated in this country; and sent abroad to deceive, divide, and, if possible, destroy the American people. The English Reviews and the Southern Review team alike with this foul progeny of delusion. The system of political economy, prepared for the United States, is equally, and at the same time, the colloquial theme for the statesmen of St. James' and of South Carolina. The English Commons and the American House of Representatives listen to the same reasonings, and the same abuses of our whole protecting system.

Whether this united effort be the effect of united councils and identical interests, it matters not; for the great object towards which it moves is in both the same, and, if successful, must again place these United States in a condition of colonial dependence on Great Britain.

Sir, our ancestors migrated hither to build a country, an independent country, as well for themselves as for their descendants. When they had landed here, they looked out upon the earth on which they had placed their feet, and back again on the friendly bosom of the ocean which had borne them to these shores, and then up to the clear blue heaven over their heads; and lifting their hands in thanksgiving and supplication towards the God above, they re-ayed, under His direction, to depend on those hands and those elements for their subsistence, for their food, their clothing, and habitation. Independence was their first aspiration; independence of that country which had driven them into exile. From that hour to this, all true Americans, who have understood and pursued the great interests of this country, have lived and labored for this independence. All Britons and friends of Britain, all anti-Americans, as well before as at and since the revolution, have opposed its growth and establishment, or plotted and toiled for its subversion and overthrow.

It has been the great and established policy of England, from the first settlement of the colonies to this time, to confine the people of this country to agriculture, the fisheries, and commerce, with herself, and herself alone. The incipient efforts of our fathers to produce for themselves either their own apparel, or the instruments of their labor, were, by English enactment, made a kind of colonial nuisance, and punished as a class of misdemeanor against the peace and dignity of the crown. The patriots of those, like the patriots of these times, resolved, and never abandoned the resolution, to labor, as they might choose, either at the plough, the loom, or the sail. This conflict of policy, this effort in the colonies for moral and physical independence, and that British arrogance of dominion over the wants and necessities of our ancestors, produced the revolutionary conflict. Moral and physical, not political independence moved that great question. The tax on tea was incidental to more deep and weighty argument; but not otherwise the moving cause, than the lighted linstock explodes the shell, which, in its blazing course, carries terror and desolation through a beleaguered city.

It was in support of this independence that the whigs of the North and South first united. Here the Adamses, Hancocks, Otises, and Warrens, of New England, met and mingled their toil and their blood with the Pinckneys, the Haynes, the Lawrences, and Sumpters, of South Carolina. On this ground, too, Greene, from the North, met and reunited the scattered array of southern war.

Where now is the patriotism of those times? Do we, in

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these halls, hear its voice exhorting to reunion, and cheering to associated effort? Is it not drowned in the angry roar of that torrent of malediction, which, for so many days, has been poured down from the stormy South on the devoted region of New England? Where, sir, is the spirit of the revolution? Does it still live in our country? Sir, it did not expire with Lowndes; it did not, when deserted by his associate, abandon his lovely land of the sun. Men still live in that patriotic region, who make no compromise on questions of liberty and independence, and who will never barter either, with any nation, for the poor privilege of selling their cotton at a better bargain.

During our revolution, Britain was deeply skilled in the trade and mystery of treason; and could, at any time, exhibit invoice accounts of all the goods and wares, and prices current of each item of treachery. Among these might be found court favors, humble offices, minor titles, and free pardons. The whigs of those times were poor customers, and never would consent to sell their country for any toys of English aristocracy. What do these transatlantic dealers offer us now? Free trade; a commodity out of fashion, and without a market in all Europe; and, in addition to this, I know not what commodity of small wares; the cast-off clothes of royal prerogative, not fitted to the uncourtly limbs of American citizens. Will one American furnish his wardrobe from the shops of such fashioners? And for what? That his name may be written in English court calendars with Sir before it, and in all other books with traitor after it?

Men differ in opinions now, as they have in all times differed in political opinions. Many honest and patriotic men questioned and opposed the growing independence of the colonies; many honest men opposed the revolution, and sacrificed every thing to loyalty; and many honest men now most sincerely believe the American system to be hostile to the true interests of these United States. Different from all these are those who look on their country as made for them, not they for their country: Sir, the demagogues of those and of these times, like the demagogues of all times, regarding political power as the greatest of all possible good, are always ready to sell all in exchange for this. To such men explanation is useless—argument unavailing. To men of other minds, and very diverse in hope and in purpose, the measure now before us has been presented for consideration. Its nature and purpose need very little explanation. The bill offered by the gentleman from Vermont, [MR. MALLARY] provides for the more effectual execution of the revenue laws of the country. Those laws form a system which, in the first place, supplies the revenue on which depends every part of the public service; their next effect is encouragement of domestic industry, in all those arts of production which are not now perfectly established; and, last of all, they are designed to furnish protection to all such employments as may already supply the national consumption, but are now unable to resist the influence of foreign capital. This system is composed of all those laws, at different times enacted, to place impost duty on imported commodities, the growth or manufacture of other countries. This union of revenue, encouragement, and protection, under these laws of impost, forms the American system. The bill before the committee proposes such regulations as may perfect the execution of those laws, and sustain that system, so needful for the support of Government, the payment of the public debt, and the encouragement and protection of all the various labors of the people.

The subject comprehended in this measure was recommended to the attention of Congress at the commencement of this session, by the annual message of the President. The Committee on Manufactures, to which it was referred, has received from the Treasury Department ample and detailed accounts of numerous and extensive frauds, perpetrated, under color of law, by English agents, in the

importation of English cloths into the United States, at the port of New York. These men seem to have organized and carried into operation a system of smuggling, ruinous to the revenue, and, in its effects, destructive of that great branch of national industry and production. This smuggling is not of ordinary character, and such as is transacted in Europe. It is not between nations, divided by a line of frontier, like Austria and Prussia; or by a river, as Germany and France; or by a narrow sea, as France and England. The immense peril of this trade, practised under such hazard of detection, does, in a great degree, secure fair and legitimate commerce. Against this new and hitherto unpractised smuggling, there is no such protection. It is transacted, through the custom-house, by frauds and perjuries, fabricated in England, and imported and put into use in this country. The custom-house of New York has been opened to this wickedness; a passage is paved through it. In the language of the gentleman from Massachusetts, [MR. DAVIS] it is a great railroad for smuggling. Is there not in this country independence, nationality, spirit, manhood enough, to abate this nuisance, or remove it back to the nation whence it was imported?

The amendment, sir, offered by the member from South Carolina [MR. McDUFFIE] admits the allegations made in support of this bill, but proposes a new and hitherto unheard of remedy; not by increased regulation; not by more officers of inspection and appraisal; not by higher integrity or more unwearied vigilance; not by heavier or more certain penalties. It proposes to abolish the law, and thereby prevent the violation of it; because, "where there is no law, there can be no transgression." Dissolve the bands of allegiance, and you take away the crime of treason. Enact "thou mayest kill, and homicide is no longer murder. Repeal the whole decalogue, and moral evil will be excluded from the world."

The amendment proposes to abolish the American system. This is to be done, because that system, although beneficial to the majority, is detrimental to the minority of the nation. The amendment is intended to reverse this order of things. The free trade system proposed by the amendment, is to be beneficial to the minority, but detrimental to the majority. On this ground the whole argument of the member from South Carolina has been sustained. On this ground the repeal has been demanded. If this be a good cause of repeal in this case, it must be good in all other cases. All minorities may allege this against all majorities.

A minority may be one less than half, and a majority may be one less than the whole. According to the present argument, if one man of our twelve millions of people can complain that a law, highly beneficial to eleven million nine hundred and ninety-nine thousand nine hundred and ninety-nine persons, is detrimental to him, he may demand a repeal; and, if refused by such majority, he may, in the language of the member from South Carolina, denounce them as tyrants, monopolists, cannibals, and assassins of his natural rights. What law, against what minority, may not work the like evils? The argument makes no difference in the moral character of such a minority. It applies equally to the honest and the dishonest, to the patriot and to the traitor.

The enemy invades your frontier, and, being pressed for subsistence, offers to your citizens high prices for provisions. To furnish these supplies, might become a very profitable trade; but "to adhere to the enemy, or give him aid and comfort," is treason by the laws of the land. This law is a law of the majority. It cuts off the minority from a profitable commerce, which, but for this law, might be innocent and very productive. Assassination is, in some countries, a profitable business, to no inconsiderable minority; and, but for the oppressive laws of tyrannizing majorities, might be much more productive to those bravos, who, at great cost, have made themselves skilful

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in mingling poison, or flourishing the dagger. Pirates, who always denominate themselves free traders, might drive a very profitable business, if the overwhelming majorities of all nations did not, without regard to their claim, outlaw, and drive them from the ocean. Smugglers have the same cause to complain; for honest merchants, in all communities, have united to expel and chase them out of society. All these laws have been enacted against these minorities by majorities mindful of their own interests, and utterly regardless of all claims of such minorities. Do not tell me that these men were felons or outlaws, while the minority in this question are honest and deserving citizens. It is, indeed, so. This minority is, to the full, in all qualities rendering men meritorious, equal to any people of these United States. That, however, is no part of the argument as it has been presented to us. Their claim to have the laws reversed has not been placed on their merit, but on their right as a minority. For the first time, in the history of popular government, it has been alleged that laws, to be just, must be equally beneficial to all; the interest of the many must submit to that of the few; no matter how few—one thousand, one hundred, ten, or one man.

It is admitted that the American system is beneficial to the nation. It is denounced, because the cotton and tobacco of certain States are, by its operations, reduced in price. Although it makes the sugar and grain-growing States rich, yet does it make the cotton and tobacco States poor. It is, therefore, a despotism, and must be repealed. Will the amendment remove this evil, this unequal operation of the general laws? You would abolish the American system. By this, the great interest of the sugar-making, the grain-growing, and manufacturing States, are overthrown. The interests of the cotton and tobacco planting States are appreciated. Will the free trade system, by this process, do less damage than the American system? Will the nation be in a more prosperous condition, if the majority be ruined, that the minority may be enriched? Shall the American system be overthrown, because ruinous to the few; and the English system established, more ruinous to the many?

Under this bill, and this amendment, the argument from South Carolina has introduced these important and vital questions. If the nature of things do indeed permit any foundation for these questions, how should a nation, wise in counsel, and patriotic in purpose, decide and settle them? Before we come to that decision, let us diligently inquire whether our nation is, in truth, placed in this miserable dilemma. Is it, indeed, so? After fifty years of union and united labors, have interests grown up among us, and that, too, under a system of laws equally patronizing and cherishing all; have great interests in this family, and brotherhood of employment, grown and flourished together in harmony until the present time; when, wonderful to be told, a native and inherent antipathy is all at once found among them, so hostile and deadly, that some of them can no longer exist without the extermination of others? What, then, are the allegations brought from South Carolina against the American system, proposed to be sustained by this bill? If, under the provisions of this amendment, that system should be abolished, and the English system established in place of it, would these events be followed by a condition of national interests more prosperous than the present?

I will go into some examination of four of the effects, which, as it is alleged by the member from South Carolina, result from this system: First, it reduces cotton and tobacco in market price; second, it compels the growers of those products to pay many times more than their just proportion of the revenue; third, it secures a bounty to the sugar-making, grain-growing, and manufacturing States, on their products; fourth, it deprives the South of their natural market, the market of England. The member from South Carolina has not sustained his amendment by any allusion to the deleterious effects of internal improve-

ments on the South; or by any illustrations, drawn from the diminished price, or limited market of tobacco. I will therefore make no further allusion to either of these.

It is said the market price of cotton has, since 1818, been reduced from thirty to ten cents a pound. This statement should have run back to 1816, because, at that time, the protecting principle was first introduced into the system; and because cotton was then at a lower price than that to which speculation raised it in some succeeding years. It has not been alleged in this debate that the system has increased the cost of growing cotton. Lands have not thereby been made less fertile, or the support of labor more costly. The natural price of cotton has not been advanced, while the market price has declined. The market price has declined from thirty to ten cents. This, it is said, is the effect of the American system; and on this alleged fact, this objection to that system is sustained, if sustained at all.

The money market price of any commodity depends not on supply, or on demand alone, but on the relative proportion of the one to the other. Whatever increases the demand for bread or cotton, while the supply or quantity in the market remains the same, will raise the price. On the contrary, whatever increases the supply, or quantity in the market, of these commodities, will, while the demand remains the same, lower the price. The supply of cotton, in the market of the world, depends entirely on the ability and on the will of the growers of that product. Though they cannot increase the quantity above a limited amount, yet they can, without question, diminish that quantity to any amount which they may choose. It is the demand, then, for cotton, in the markets of the world, over which the cotton growers have no control; and of which, if varied by the American system, injuriously to their interest, they would complain. The great question, therefore, when fairly stated, must be this: Has the American system diminished the demand for raw cotton in the markets of the world?

What has that system performed in this great business? It has introduced, encouraged, and in some degree protected, the manufacture of cotton cloth, by machinery moved by water power, in many parts of these United States. In 1789, there was, I believe, one small cotton mill, of about three hundred spindles, in the whole country. At this time there are in operation not less than one million five hundred thousand. Cotton spinning machinery has increased in France in the same or in a greater proportion. Her system of encouragement and protection is to that country what the American system is to the United States. England has, during the same time, increased her spindles in the same or a greater ratio. This machinery is of English invention; and the people of that country, so soon as their great mystery was carried into the United States and France, were awakened by a spirit of competition. This competition must have redoubled their diligence; and not only perfected, but multiplied their machinery in at least a fourfold ratio of the amount to which it would at this time have attained, had the invention, in all its branches, been confined to England alone. Instruments of agriculture and commerce have multiplied at the same rate. Are there not more ploughs, and wagons, and ships now in the world, than there would have been, if none of them had ever been built or used on this side of the Atlantic? You might as well say the human race would, at this time, have been as numerous, if this fruitful country had never opened her bosom to the civilized wants of man. If the American system has thus multiplied cotton spinning machinery in the manufacturing world, has it diminished or increased the demand for raw cotton in the markets of the world?

The increased consumption of cotton cloth has further increased that demand. This cloth has taken the place of linen, hempen, and, to a great extent, that of woollen

cloths. This could never have been effected, unless machinery and water power united had diminished the cost of manufacture, and thereby driven household fabrics, made from flax, hemp, and wool, out of use. In 1789, the whole labor of the United States was clothed in such fabrics; and cotton almost entirely excluded from consumption. Had not machinery been brought into our country, and encouraged and established here, the whole free labor of the nation would, at this time, be clothed in the same manner. South Carolina has told us, that, had this destructive system left spindles and looms to the use of England and France, cotton would now have been thirty cents a pound. If this be true, would cotton, without the aid of machinery, be able to compete, in household manufacture, with flax, hemp, or common sheep's wool, of a much lower price? Nay, sir, at its present price, cotton could not be spun, because it could not be purchased, by the grain-growing States, unless in exchange for manufactures, wrought by that machinery which owes almost its existence, in this country, to the American system.

The demand for cotton, increased by the multiplication of machinery, is not limited to the United States, France, and England. This demand is extended to South America, Hindostan, and China. The revolution in Southern America opened the markets of that vast country to the products of the world. The three great manufacturing competitors have pushed their cotton fabrics into those countries; and their cloths do, at this time, supply nearly the whole consumption. American merchants, in 1816, imported into the United States vast quantities of cotton cloth from the East Indies. It was, to New England especially, a most profitable commerce. In that year, Mr. Lowndes, aided by Mr. Calhoun, and other eminent statesmen of the South, placed the tariff on that trade. What has followed? Not only has the cotton of South Carolina excluded India cottons from the consumption of this country, but our merchants now export American cotton cloths to Calcutta, Canton, and Manilla; and, under the aid of the American system, the cotton of the South Carolina planters is actually driving that of the Chinese and Hindoos out of their own markets. Where, then, is the statesman, so unacquainted with the state of facts on this question, or so regardless of their existence, as to contend that the American system has, by multiplying spindles and looms in this country, diminished the demand for raw cotton in the markets of the world?

If, then, this system has not, in its operations, diminished this demand, what other course has diminished the market price of that product from thirty to ten cents? If, indeed, the price of cotton be diminished, while demand has been so enormously increased, that diminution must be the effect of increased production. What has been the progress of this branch of agriculture? The inquiry will be confined to the markets of the United States and England. From 1770 to 1781, England imported, from all the world, five millions of pounds of cotton; from 1781 to 1791, she imported eighteen millions of pounds; from 1791 to 1801, thirty-two millions of pounds; but in 1823, she imported in that single year one hundred and eighty millions of pounds. Her average annual import was, for the first ten years, five hundred thousand pounds; for the second, one million eight hundred thousand pounds; for the third, three million two hundred thousand pounds; and then, in the short space of twenty-two years, her annual import rose up to one hundred and eighty millions of pounds. England, in 1770, could have spun but five hundred thousand pounds, nor, at four yards to the pound, have made more than two millions of yards of cloth. In 1823, she exported thirty millions of pounds, and spun one hundred and fifty millions of pounds; making, at a like rate, six hundred millions of yards of cloth. The United States, in 1789, spun none, for there was no American cotton; and they spun almost none from any part of the world. We shall spin this year, 1830,

about seventy millions of pounds; and make, at the above rate, two hundred and eighty millions of yards of cloth. Great Britain will probably spin three hundred millions of pounds, and make twelve hundred millions of yards of cloth.

It does not appear that, in 1789, when England consumed about one million five hundred thousand pounds, that any cotton remained unspun at the close of that year. How has supply kept pace with demand, since that time? Why, sir, although demand has increased in England, and in the United States, since 1770, from a consumption spinning only five hundred thousand, to a consumption spinning three hundred and seventy millions of pounds, and from two millions to one thousand four hundred and eighty millions of yards of cloth, yet supply has so increased, and pressed on demand, that, in 1823, not less than ninety-two millions of pounds of cotton were left in England alone, unconsumed, at the close of that year. This surplus supply has, since that time, been constantly augmenting, by a most persevering process, which the member from South Carolina [Mr. McDuffie] calls "working harder and making more."

A great case, and similar to this, occurred in this country, during the revolutionary war. Money, a circulating medium, was wanted for conducting the great and various business of that war. It was a new trade, and required a large additional money capital. The demand for that medium was, however, limited by the amount of labor, subsistence, clothing, and munitions of war required to be bought and sold in the wise and prudent conduct of that war. What was done? Two millions of paper dollars were at first emitted. This amount was immediately absorbed by the circulation. More was wanted; another million was added. Demand was not satisfied. Prices of all commodities kept their former level. Two millions more were emitted. The trade grew more brisk, and prices rose a trifle. The scale, balancing demand and supply, vibrated: another two millions were added; and depreciation begun. Instead of reducing supply by calling in, and retaining from circulation, the last emission, and thereby adjusting supply to demand, millions after millions were added; and this, too, in the vain hope of curing the disease by increasing the cause of it; until the mass amounted in number to two hundred millions of dollars, and in value to forty for one. Demand required five millions: and no matter to what amount you increased the quantity, the value could never be raised above that sum. In like manner, when the whole demand for cotton in the markets of the world is supplied; when the whole money which the world will or can pay for that commodity, is laid down; bring what additional quantity you please into the market, the whole will not, it cannot, bring to the planters of all the world any additional amount of money. If pushed to a sale, it must be sold on speculation, and at a reduced price. Whoever will look into the progress of spinning and weaving cotton cloth by machinery, will find it has, since 1789, in England and the United States together, increased the demand for cotton more than seven hundred fold; and, in the United States alone, five thousand fold. Is this the system which, by diminishing the demand for cotton, has reduced the money price, and injured the cotton planters of South Carolina? No, sir; had not Arkwright in England, and Slater in the United States, originated this labor-saving, this wonder-working system in the production of nations, the great capitalists of South Carolina, in place of receiving, as they do now, seven millions of dollars annually for cotton, would never have received a cent.

These great planters of the South hold in their hand the cotton market of Europe. They supply nearly three-fourths of the whole consumption; and can, when they choose to diminish supply, by diminishing production, raise the price to the consumers of more than half the world. While the spindles, and looms, and labor of Europe and America are in a most persevering competition,

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still further to extend the demand and consumption of southern cotton, those very reasonable gentlemen will not relieve themselves by the very easy process of working less and making more.

I have pushed the inquiry into this allegation against the American system, on the supposition that the price of cotton has been diminished since 1816. Have we not been looking for the cause before we had found the effect? Has cotton fallen in price? I do not mean in money price; in the number of dollars and cents for which any given quantity of that commodity may be exchanged. If a planter sell one hundred bales of cotton for money now, will not that money buy him as much bread, meat, drink, or clothing, as the money would have bought, for which the same quantity of cotton was sold in 1816? Compare cotton with the fabric wrought from cotton. Here you will learn the exact effect of machinery and the American system on the cotton planter. In 1816, cotton wool was twenty-five cents a pound; coarse cotton cloth, wrought from the wool, was twenty-five cents a yard. One pound of cotton wool would then purchase one yard of coarse cotton cloth. At the moment I am speaking, cotton is ten cents a pound, and coarse cotton cloth six and a quarter cents a yard. Ten pounds of cotton will now purchase sixteen yards of cotton cloth; but sixteen yards of cotton cloth would then purchase sixteen pounds of cotton. Cotton wool has diminished in a ratio of one hundred and fifty per cent. on its present money price; but cotton cloth has diminished in a ratio of three hundred per cent. on its present money price. Who has lost, or who has gained by the American system, the capitalist of the North or the capitalist of the South?

It will be found, on minute examination, that agricultural products have fallen in money price, in the ratio of cotton wool; manufactured products in the ratio of cotton cloth. The cause of this difference may be easily explained, and this explanation belongs to this branch of the discussion. The progress of improvement in agricultural machinery, in our country, is less various and extensive than the like progress in manufacturing machinery. Passing by some minor improvements, only two capital ones in agricultural instruments have been made since 1789. These are the cast iron plough and the cotton gin. The cast iron plough saves one-third of the power necessary to move the one made of wood and wrought iron, and will perform one-third more work in the same time. Southern planters can, better than I can, tell how beneficial the cotton gin may have been to southern agriculture; and the very ample and liberal manner in which South Carolina rewarded the inventor of that instrument, is at once a proof of its high value, and the justice, honor, and liberality of that State. One circumstance in the nature of agricultural labor renders it difficult to reduce the cost of its products to a level with those of manufacturing labor. The labors of the farmer and planter are incapable of the same minute division as are those of the manufacturer. They come in succession, and the same hands which plough must sow, hoe, and gather the harvest. This not only wastes some time, but prevents the laborer from acquiring that skill which manufacturing laborers are, by the minute division of their employment, enabled to acquire. On the contrary, the division of manufacturing labor, and the improvement in the machinery by which it is performed, have been astonishing since the commencement of the American revolution. These have so reduced the cost of cloth, and other manufactured products, that agricultural products are now exchanged for a much greater quantity of them, than at the time when this great improvement began. If this reduction of price be an evil, it falls with a weight twice as onerous on the manufacturer, as it does on the farmers and planters.

It may be worth our time to inquire into the effect of

this progress of improvement, in reference to individual or national wealth. Is the world, is our nation, the richer or poorer for it? "A man is, and so a nation is, rich or poor," says Adam Smith, "according to the degree in which he can afford to enjoy the necessities, conveniences, or amusements of life." What has been the effect of this system on the laborers of the country? Has it increased or diminished their power to "enjoy the necessities, or conveniences, or amusements of life?" In 1816, a day laborer on the wharf in Providence received in money one dollar for his day's work. The price was the same, or nearly the same, in all other commercial towns on the Atlantic frontier. What quantity of coarse cotton shirting would that dollar then buy? Such cloth was then twenty-five cents a yard, and the price of his day's work, his dollar, would then buy for him four yards. The money price of such labor is now precisely what it was in 1816. What quantity of equally good cloth will the laborer's day's work, his dollar, now purchase for him and his family? If bought at retail, ten yards; if at wholesale, sixteen yards. In the one case, the laborer is one hundred and fifty per cent., and in the other he is three hundred per cent. richer than he was at the commencement of this system. This, sir, is the system, the American system, which, as we are told, is "grinding the face of the poor."

The demagogues of England, and the statesmen of New York and South Carolina, tell us that this profligate system is aiding the aristocracy in waging a war of extermination against the democracy of the old and new world. Yes, sir, the systems made to protect the labor of England and the United States are, in their operations, enabling the aristocracy, the capitalists of these countries, to exterminate the great interests of that labor. Astonishing discovery! wonderful wisdom! What has the protecting system done for the labor of this country? It has given a choice of employment, the plough, the sail, or the loom; and, while the call for labor from the great commercial interest is increased, it has created a competition for labor between the two other great interests of the world, the agricultural and manufacturing. The protection laws of England are what alone can sustain and preserve the labor, the democracy of that nation, from the overwhelming power and influence of its aristocracy.

What is the aristocracy of England? The great landholding interest, whose estates are, at a money rent, under lease for from seven to twenty-one years—the great moneyed interest, whose capital is vested in notes, bills, bonds, mortgages, and banking—the great stockholding interest, whose funds are in the various stocks, which, altogether, constitute the national debt—and the office holders, great and little, whether civil or ecclesiastic, naval or military. These, altogether, make about six hundred thousand families.

What constitutes the democracy of England? The leasehold and farming interest—minor and middling proprietors, whether in land, machinery, fisheries, mines, commerce, or navigation, together with the whole labor of the nation. All these constitute about two million five hundred thousand families, and are the great producing portion of the English community. The protecting system of Great Britain, her tariff and corn laws, what is done by them for this democracy?

Suppose the bill of the gentleman from New York [Mr. CAMBRELENG] should have that weight in England which it seems to want here; and the statesmen of that nation, enlightened by those provisions which are utter darkness and chaos to us, should repeal their tariff and corn laws, they would, it is believed, receive one-third of their corn from abroad. One-third of the corn lands of England must thereupon be thrown out of use; this would sink so much farming capital as is vested in those lands. This capital could not go down, without carrying

down with it the agricultural labor now employed by that capital. Manufacturing production depends on agricultural consumptions. The shock which sinks the one, must sink the other. The products of agricultural and manufacturing labor must sink in money price. Labor in those employments, which is now but just fed, must then continue to be fed. It would fall in money price; but it would not fall in cost. The whole production of the democracy, the great producing class of the community, will fall one-third or one-half in its market money price. What will happen to the aristocracy? These men live on income, derived from rents, from interests, from dividends, and from salaries. Will such income be reduced or augmented? It will appreciate in value, as production declines in money price. Rents, interests, dividends, salaries, together with the whole national debt of nine hundred millions of pounds sterling, will, in effect, be doubled. This will indeed be a war on the democracy of England—that which destroys the labor, the people, the democracy of the country, must in its final consequences ruin the country itself. This the patriots of England know full well; and sooner than repeal her corn laws and tariff, her protecting system, they would, if it could be done, cut adrift their fast-anchored isle, and let it float down, like a vast iceberg, under the equinoctial, and so melt and mingle with the ocean, that this now delightful region of men, and wealth, and laws, and letters, science, morals, religion, and human felicity, should no longer be found in the world of waters or of land.

Sir, it has been shown that, if the money price of cotton has fallen, it is the effect of too abundant supply, and not of any diminution of demand produced by the American system. It has also been demonstrated that, although the money price of cotton has declined, yet the real exchangeable value of it has not declined, but rather appreciated, under the operation of this system. Another statement of this question has been exhibited in the *Southern Review*, a work of great literary merit, and deservedly high in rank among the periodicals of the age. It is published in Charleston, South Carolina. The fourth number contains, among others, two articles, one on the Georgia question, and the other on the tariff. The first, an able paper, is attributed to the gentleman from that State, directly before me, [Col. DRAYTON.] The second, on the tariff, is attributed to another gentleman from South Carolina, if the image and superscription on the penny might refer the coinage to Cæsar. On this floor, South Carolina charges the reduced price of her cotton to the detestable operations of the American system. I beg leave, sir, to read the opinion of that State on this question, from the 585th page of the *Southern Review*.

“The fact to which the restrictionists habitually appeal for its verification, is the fall in the price of cotton manufactures since the passage of the tariff in 1816, which imposed a prohibitory duty on the coarser fabrics, and a very high duty on the finer descriptions. We admit, without hesitation, the alleged fall in the nominal or money price of cotton manufactures, to the full extent that it has been asserted by the manufacturers. We concede, for example, that such cotton shirting as sold in 1816 for twenty-five cents a yard, can now be purchased for half the money. But this fall in the money price of cotton shirting has no more connexion with the tariff of 1816, than with the election of Mr. Monroe to the Presidency the year after. Every one who has the slightest knowledge of the history of our currency since 1816, and of the influence produced by its appreciation upon money prices, will at once perceive that the change which has taken place in the quantity and value of our circulating medium, is alone sufficient to account for the apparent fall in the price of cotton fabrics. We are quite within bounds when we say that we have not half the aggregate amount of circulating medium in the United States, in comparison with the de-

mand for it, which we had in 1816; and it follows as a corollary, that one dollar of our present currency is worth as much as two dollars of the currency of 1816. The fall, then, in the price of cotton goods is purely nominal. The real change is in the value of money.

If the diminished money price of cotton cloth be, as the South Carolina statesmen say, in this *Review*, the effect not of the American system, but of the appreciation of money, would not that appreciation have had the same effect on cotton wool? If cotton wool be reduced in market price by the appreciation of money only, how is that reduction the effect of the tariff? If the true theory be given in the *Southern Review*, then what is the theory given in his speech, by the member from South Carolina? I leave the speaker and the writer to reconcile himself to himself; and as all erroneous theories are alike, and belong to the same family, the reconciliation may not be very difficult.

To illustrate the ruinous effect of the tariff on the industry of South Carolina, it is alleged by the member from that State that labor is less productive there than in the North. In the South, labor is capital, and must be so considered, in any examination of its relative profits. It is said a laborer earns twelve and a half cents a day in South Carolina, while, in the manufacturing States, he earns fifty cents a day. Let the first be admitted, the last is denied.

It is then admitted that each man earns twelve and a half cents a day. This gives forty-five dollars and sixty-two and a half cents a year. In ten years, four hundred and fifty-six dollars and fifty cents; and from twenty years of age to sixty, are forty working years, giving an amount equal to one thousand eight hundred and twenty-six dollars. This is what the slave earns for his master; but his labor, aided by that of his wife and children, does, besides this, furnish his own support, and that of his family. Now, sir, what does the day laborer in the North earn per day? What can he lay up at the end of the year? What has he at last earned, and saved for the support of his old age, when he can work no longer? I speak of ordinary, not of skilled or manufacturing labor. Take the man who was born to no other inheritance but toil. He is without house or land. His hands furnish the food, the clothing, the habitation for himself and family. I ask gentlemen from East to West, how many such laborers have they known, who laid up money at the end of the year; or left money, or goods, or lands to their children, at the end of life? They rear a family, and do not, when they leave the world, leave it less populous than when they found it. The race of toil is not diminished in their time. They, if God so permit, have a family around them; and when they can no longer labor, they look to their children for that support which those children have received from them. If it be otherwise ordered by the Disposer of all things, and they are alone in their age, they look to some alms-house for shelter and food. When such a man has felled his last tree, ploughed his last furrow, borne his last burden, he sits quietly down, and waits for the sunset of his day. Who, sir, would talk of what such men can clear, and lay up, and leave to his children? All men know it is nothing.

Indeed, the member from South Carolina seems to admit this, when he asserts that a New England man cannot hoe so much in a day as a southern negro. It is said comparisons are odious; and, sir, never could one have been made more odious than this. We all labor in the North. The youth and manhood of our best and most esteemed men have been seasoned in the toils of our various year. From boyhood to twenty-one, I myself was with the plough and the hoe, associated with such men in the culture of New England fields. We are challenged to hoe with the slaves of South Carolina! Let them put the challenge for themselves, not for their jaded and discouraged slaves. Sir, we can hoe our row with their masters.

Does South Carolina complain that her slaves can earn

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less than the free men of the North? They have once taken benefit from this. It has been established by the constitution, that, for five of their slaves, they shall pay no more tax than three of its free men pay. For what did they claim this difference? The history of that constitution will inform them, that it was because the five, as they alleged, were, for every purpose of labor, no more efficient than the three. Is it wonderful, or a matter of complaint, that the slave does less than the free man? Observe them in the hours of their toil. The free man works for himself. He looks forward to his reward, and is encouraged and quickened in his course by hope. The slave works for another. He looks back to his punishment, and is paralyzed by fear. Like the tired horse, when he feels the lash, he springs up from the ground, but does not, and cannot, quicken his pace. In the language of the gentleman from Massachusetts, [Mr. GORHAM] "the free man does as much as he can; but the slave does as little as he can."

South Carolina has told us that capital in that State is less profitable than in the North. Is it so? It has been shown that each man earns forty-five dollars and sixty-two and a half cents per annum. In 1824, Dr. Cooper, the great political economist of that State, said in his lectures, that to raise a prime field slave, cost two hundred and fifty dollars. The member from South Carolina has told us, in this debate, that every thing is there reduced one-half in value. Such a slave is, therefore, worth at this time one hundred and twenty-five dollars. Add to this the value of ten acres of land, cultivated in cotton, with implements of culture, at ten dollars per acre; and the whole amount is two hundred and twenty-five dollars. On this part of his capital he clears forty-five dollars and sixty-two and a half cents, equal to twenty per cent. per annum. One-half of his slaves are women. The increase keeps the old stock good, and doubles it in twenty-five years. This gives two prime slaves in that time, worth one hundred and twenty-five dollars each, and both equal to two hundred and fifty dollars. This amounts to ten dollars per annum, and is equal to four per cent. on this part of his capital. The South Carolina planter, it appears, realizes forty-five dollars and sixty-two and a half cents on the labor of each of his men, and ten dollars each per annum on the labor of each of his women. The average is about sixteen per cent. Sir, no capital in the manufacturing States gives any thing like such a profit. This profit would soon be reduced by competition from those States, did not climate, and the condition of southern labor, secure a monopoly to the capitalist of the South.

Has oppression, indeed, made South Carolina so very poor? What are her domestic exports?

In 1827, she sent to foreign countries, in cotton,	\$7,100,000
One-third as much to the manufacturing States	2,366,666
To the western States, as stated in 1828, three millions of dollars; but, as now stated, about	2,000,000
	\$11,466,666

The population of South Carolina is about five hundred thousand. One-half are slaves, or capital. It is about forty-eight dollars a head for each free man. No account is here taken of indigo, rice, or tobacco, of which, and of other products, more than a million was that year exported. These will more than balance the amount, for any expenditure made on account of their labor. What State in the Union, sir, exports in a ratio to be compared with this? It will be found, on full examination, that South Carolina never exported in any year in a ratio disclosing a condition of greater prosperity. If to this be added the appreciated exchangeable value of all these exports, that State will have still less cause of complaint.

What, then, I shall be asked, is the cause of decay and

desolation in some quarters of that State? This, sir, is the poetical part of the subject. It would not have been well finished without the sketch of a ruin or two in the picture. To be serious, for this is a very serious part of the question, how long will any country, any plantation, any farm, sustain a course of crops of any kind, when all which is raised on the land is sold and carried off from it? How long will it endure such a course, if planted with cotton and tobacco? These instances of exhausted fields and dilapidated buildings may be found in every long settled part of the country. Sir, they are so many monuments, in which we may read the fate of all those countries which have exhausted the virgin fertility of their lands, to furnish the greatest possible agricultural export.

The progress of agricultural production furnishes another cause of this dereliction of old worn out plantations in South Carolina. Sugar has, in the employment of southern capital, taken the place, to a considerable extent, of cotton, as that product formerly took the place of tobacco. This could not be done without a change of residence. Men have, therefore, migrated from South Carolina to the sugar climate, and more fertile and fresher lands of Louisiana. Their moveable capital has migrated with them; and what but decay and desolation could they leave to their former seats? Solitude is in those halls, because the toil and the song of labor have departed from the fields.

How then does South Carolina sustain her complaint and allegations against the American system? If demand for cotton has not been diminished, but mightily increased by that system; if reduction of the price of cotton be merely nominal, so that all other things are equally as much, and cotton cloth more reduced; if the appreciation of money (as alleged by the Southern Review) be the cause of this diminution of price; if labor be more productive, and capital more profitable in South Carolina than in the manufacturing States; if that State export more abundantly than those States; and, finally, if she export more at this time, according to her population, than she did in 1816, when Mr. Lowndes and Mr. Calhoun placed the tariff upon the labor and capital of the northern States; then, sir, what damage has that State suffered by the operations of the American system? Why, then, all this complaint? This clamor? this abuse? this crimination against that system, and the friends of that system? Would they of the South win a political boon? Would a presidency, like the medicated fruits of mythology, quiet this awakened Cerberus, whose angry roar has so often echoed through these halls? No matter for their vigorous, increasing, and productive labor; no matter for their abundant and profitable capital, increased or various exports, cheapened and enriched consumption. No matter for all these. No, sir, no. The crafty, but envious Amalekite, in the proud court of the Asiatic empire, advanced to the second rank of power, the second condition of favor, the Vizier, the Viceroyalty, not of twenty-four, but of one hundred and twenty provinces, when surrounded by his congratulating family and friends, with a scowl of discontent, and in the tones of malediction, exclaimed, "All this availth me nothing, so long as Mordecai the Jew sits at the king's gate." When, sir, when will ambition learn wisdom from the records of experience?

Sir, we are told by South Carolina that words have been invented of fraudulent, sorcerous import; wherewithal the manufacturing wizards of the North abuse the honest and credulous ear of the nation. These foul magicians, as it is said, cry encouragement, protection, domestic industry, American system; and thereby raise, array, and drive a crusade against the rights and interests of the South. Sir, have not the managing men of that region a school for words? State rights, independent sovereignty, consolidation, slavery; what words are these? May not men conjure with such words? Have they not called up spirits by them? Aye, sir, and spirits as dark and mischievous as ever visited the moonlight of this world. In this very debate, has not a

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word been caught; and tortured, and abused, that men might hear, and run mad even at the very echo of it? Tax; why, sir, when just, the world makes men stare; when unjust, unequal, oppressive, it drives them frantic. Sir, these sorcerers of the sultry South have, during this debate, with the skill of masters, repeated this word either alone or coupled with most inflaming adjectives.

Permit me, sir, to pass within the magic circle, and, if it may be done, to disclose and reveal their juggling mysteries. They announce to this nation that they, the plantation, or, as they cabalistically call themselves, staple States, being but one-quarter or three millions of the whole people, do, in their own proper persons, pay two-thirds of all the taxes. To illustrate this hypothesis, they tell us that South Carolina, in 1827, exported cotton amounting to seven million one hundred thousand dollars. On all this amount of cotton, they affirm that they did pay, and they do now pay, on all their like export, into the treasury of the United States, an export duty amounting to thirty, forty, fifty, some say sixty per cent. This duty is alleged to be paid on the export, because a like duty is laid on the goods purchased by their export, when they are brought into the country. These gentlemen tell us that "the custom-house is a turnpike gate, and it matters not whether you pay the toll when you go to market, or when you return from it." It is as if the collector took two or three out of every five yards of cloth brought home for cotton sold in England.

If these allegations be not mere words, contrived to provoke excitement, and, under a storm of loud and boisterous passion, to obscure the true state of the question, then must they be founded on some facts and arguments by which they are supported in the minds of reasonable men. When South Carolina alleges that the exports of the United States pay all the duties imposed by the tariff on imports, she sustains this allegation, so far as she has hitherto attempted to sustain it, by one of three arguments. First. When the products of the South are sold, they are sold for goods, to be imported into the United States; and whatever duty is imposed on such goods, when so imported, must and will be deducted from the exported southern products, when sold abroad. Second. The import of the staple or plantation States being equal to their export, and their consumption being equal to such import, they, as consumers, pay all the duty on their import, and, therefore, they pay duty, or tax, as they call it, exactly in proportion to their export. Third. The tariff so diminishes the value of their export or import, or both, as that this diminution is exactly equal to the whole duty on their whole import.

This question is not without difficulty, for it cannot be easy to disprove what is not proved by any evidence; or to overthrow, by any course of reasoning, what is sustained by no argument. South Carolina avers that she pays sixty per cent. on all her eight millions of export. It is a tax of four million two hundred thousand dollars per annum, and in ten years amounts to forty-two millions of dollars. If we say, as we do say, this is not so, the allegation of South Carolina falls to the ground, as a mere cunningly devised fable, incredible in its nature, and not believed at all, unless by those who have been suitably trained to the faith, and can exclaim in the very words of ancient credulity, "I believe, because it is impossible."

In the very onset of this argument against this South Carolina dogma, we must encounter the most invincible propensities of man; his avarice, his party spirit, pride of opinion, lust most indomitable, lust of power; and worst of all, if there be any thing worse, the subtle, fraudulent, undermining perseverance of demagogues, devoted to an influence, such as finally laid the sovereignty of Athens at the foot of the Macedonian Philip. The effort, however, is worthy of patriotism, and surely worth making. The argument may reach the South. The candid, the honest, the many

may hear, may consider, be convinced, and redeem themselves from the "forked councils" of crooked politicians.

Are these people, then, thus grossly wronged by the American system? Does South Carolina pay a duty, a tax of forty, sixty, or any other per cent. on all, or any of her exported cotton or other products? First of all, is such duty deducted from the price of those exported products, when sold in the foreign market? This South Carolina doctrine presupposes that all commerce is merely a barter trade in different commodities. The gentleman from Massachusetts [Mr. DAVIS] has, under that view of the doctrine, exposed its absurdity. I will not repeat what he has so ably said. In this argument it is alleged that the duty on imported commodities is deducted from the price of the exported products, when sold in the foreign market; because those products are sold in that market for such commodities as, when imported, are charged with such duty. It is said South Carolina cotton is sold in Liverpool for cotton cloth, or for woollen cloth; but because such cloth cannot come into the United States, unless a duty of sixty per cent. is first paid upon it, the English manufacturer, or his agent, the Liverpool merchant, does deduct the amount of such duty from the price of the cotton, and pays the balance only to the planter who has raised and exported it. So long as the United States, by their protecting system, continue to place this duty on the cottons and woollens of England, the English manufacturer will indemnify himself, by deducting the duty charged on his cloths, from the price of South Carolina cotton received in payment for them, and thereby compel the South Carolina planter to pay the whole amount of it. This is the whole argument, however it may have been expanded by illustration, or amplified by repetition. South Carolina cotton is sold for English cloth. Sixty per cent. is deducted from the price of the cotton in England, because sixty per cent. duty is charged on the cloth in the United States.

Let us for a moment look at the course of trade. When two hundred millions of pounds of cotton are exported to England, and placed in the markets of Liverpool, on account of whomsoever it may concern, for what is this cotton sold? Do manufacturers bring their cloths into that market to barter for that cotton? No, sir; it is purchased by a class of merchants, who afterwards sell it out to manufacturers in such parcels as they may want for consumption. These merchants have no cloths, and probably never deal in them. In all great markets the business is so divided, that the man who deals in one commodity never deals in any other. Cotton merchants are never cloth or hardware merchants. Nay, so divided and distributed is this trade, that each species of cotton will have its distinct class of merchants, who deal in that species, and in no other. In what does he, and all other purchasers of cotton, choose to pay for a purchased cargo of that commodity? Why, truly in that by which all purchases are made in a great market; the circulating medium of all commercial countries. In England, this is either coin, bullion, bank notes, or bills of exchange. When the exporter of South Carolina cotton goes into the Liverpool market with his cargo, for what does he choose to sell? He chooses to sell for the same medium which the cotton merchants choose to pay him: coin, bullion, bank notes, or bills of exchange. The buyer will choose to pay in these, or in some one of these, because he will have nothing else on hand with which to pay; and the seller will choose to take these, or some one of them, in payment, because it may be what he wants, or he can with it more easily purchase what he wants for the market of his own country. If he take coin or bullion, it will be because he wishes to ship coin or bullion to the United States. If he take bank notes, it will be because he has occasion for bank notes in the course of his trade. If he intends loading his ship at any other port, he will take bills of exchange on some house at such port. How, then, will the cotton merchant,

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on any pretence, deduct fifty or sixty per cent. from the cotton of the South Carolina planter? It must be, says the South Carolina doctrine, because the article, in which he pays him, is charged with fifty or sixty per cent. duty when imported into the United States. Not so, for if he pays him in bank notes, they are put off in his trade in England, at the same rate at which all other men pass them, and without any deduction, because they have been received in pay for South Carolina cotton. If he receive bills of exchange on Amsterdam, Copenhagen, or St. Petersburg, the merchants of those cities will surely not pay them at a discount of sixty per cent., because they were drawn and received in payment for South Carolina cotton. If the English cotton merchants pay the South Carolina cotton planter in coin or bullion for his exported cotton, can he deduct sixty per cent. from the price, because sixty per cent. duty will be charged, at the American custom-house, on that coin or bullion, when imported into the United States. Surely not; because no such duty, and no duty whatever, is charged on coin or bullion when imported into the United States under the tariff, protection law, or American system of this country. If, then, the English cotton buyer do befool the South Carolina cotton planter, and deduct sixty per cent. from the price of his cotton, whenever that amount of duty is charged in the United States on the medium received by the planter in payment for his cotton; yet, as he may, and always does receive in payment a medium, on which no duty is charged on its arrival in the United States, then no deduction from such price is ever made. The South Carolina doctrine is a mere theoretical dogma, fit only to amuse and delude. It is like some other exhalations, which never appear but in a dark and troubled atmosphere. When light and sunshine return to the earth, they vanish, are seen no more, and the traveller, returning to the right path, goes on his way rejoicing.

Sir, if the South Carolina doctrine be true, what must be the condition of the exporting cotton merchant? Permit me to propose a case. A merchant of Boston, Providence, or New York, invests ten thousand dollars in cotton at Charleston, and, shipping it to Liverpool, sells the whole, with the intention of investing the amount of sales in woollen cloths, to be shipped to the United States for the American market. For the purpose of exhibiting the South Carolina doctrine in the simplest form, I will leave out of the statement all account of freight, insurance, or profits on the outward voyage; and add the freight, insurance, and duties only on the homeward. His cotton sells, in Liverpool, for ten thousand dollars. From this amount the English manufacturer, or his agent, the Liverpool cotton merchant, deducts sixty per cent., because the English woollens, which are to be received in payment, will be charged with a duty of sixty per cent. when imported into the United States: four thousand dollars remain. This sum is received in woollen cloths. Fifteen per cent. is paid for freight and insurance, equal to six hundred dollars. A duty of sixty per cent. is paid on this investment of four thousand dollars, on its arrival in the United States. This amounts to two thousand four hundred dollars. It is presumed the woollen cloths will sell for the original cost, with the freight and insurance added, together with the duties. How will the account stand?

Cost of cotton is	-	-	\$10,000
Freight and insurance of woollen goods home	-	-	600
Duty on do. in the United States	-	-	2,400
Total amount paid out	-	-	\$13,000
For reimbursing this sum, the merchant will have on hand			
Woollen goods at cost	-	-	\$4,000
Freight and insurance	-	-	600
Amount of duty paid	-	-	2,400
Total amount receivable in return	-	-	\$7,000
Total amount of loss	-	-	\$6,000

Such is the course of the cotton trade, according to the doctrines of South Carolina. Will this speculation ever be repeated? Was ever such a speculation made? It seems incredible that men of sane minds should avow such absurdities. I have nevertheless heard the avowal. Thousands, both here and elsewhere, have heard the same. Thousands of honest men are made to believe it. South Carolina planters have been told that from every hundred bales of cotton, sent abroad to market, sixty are taken by the collector, as a tax on the planter. Aye, sir, from this word, tax, the table orator of South Carolina has drawn large discourse, as the bees of Trebisond draw from certain flowers a honey that drives men mad. Since the duty on foreign wine is reduced, it may be hoped that the tariff toasts of the South will now be drank in a more generous vintage. Nothing but bad wine could have inspired such anti-American sentiments; for we are told by high authority, that "in good wine there is truth."

I hasten to the second proof of unequal payment of imposts, as it is alleged by the South Carolina doctrine. Their import and their consumption must be equal to one another, and each must be equal to their export; but they pay duty on all their consumption, and, therefore, the duty paid by them is in exact proportion to their export. The whole of this argument goes on the ground that every duty added to imported commodities does, in fact, raise the price of such commodities, by a sum equal to such duty. This is sometimes true, but not always so; and it often happens that added duty does not increase the cost to the consumer. The customers attending at any market, must, if they buy, pay the cost of all commodities which they buy. Men will cease to bring such commodities to market, when they cannot be reimbursed the expense of bringing them there. The consumption of all the world must pay the cost of the production of all the world. When manufactured fabrics are placed in the market, their cost cannot be less than the cost of the raw material, the wages of labor, and the use of capital employed by that labor in fabricating from such raw material their products, and placing them in the market. When the manufacturer has paid for the raw material and for labor, all which remains is for the use of capital. This balance is sometimes more, and sometimes less; but can never be, for any length of time, less than what is sufficient to keep his capital in good and efficient repair. If it be less, his capital must continually deteriorate, and finally be consumed. He can continue to work without profits, but he cannot continue to work at a loss. When his balance is more than enough to pay for raw material, labor, and use of capital, this surplus constitutes the profits of the manufacturer. These profits are, therefore, a part of the market price of all fabrics, when sold in the country where they are produced. When such fabrics are exported from the country where they are produced, and imported into another country, to be sold and consumed there, if a duty be imposed on their importation, this duty must either be paid by the consumer, or deducted from the profits of the producer, or it may be divided and borne partly by each of them. When the manufacturers of the importing country produce fabrics of the same kind and quality, competition for the market often compels the foreign manufacturer to deduct a part or the whole duty from his profits. These principles are illustrated by the history of the molasses trade between the United States and Cuba. When the tariff of 1828 added five cents a gallon to the duty on imported molasses, the manufacturers of that product in Cuba took that amount from each gallon, and it came to the consumption of the United States without any additional price, in consequence of the additional impost duty. The planters of Cuba made this deduction from their profits, rather than hazard the loss of our market in a competition with the planters of Louisiana. This will always be the course of trade. So long as foreign

manufacturers can pay for raw materials, wages, and deterioration of capital, they will, rather than lose your market, lower profits, as you raise impost duty, until all their profits are gone. Nay, trade is sometimes continued for years to one market, only to sustain labor and preserve capital, while other markets are looked after for profits; and the hope of a change of times encourages the expectation of a more prosperous condition of trade.

With these general remarks, I proceed to a more particular examination of this part of the question. For this purpose, let it be admitted that all impost duties on imported commodities do, to an equal amount, add to their market price. By whom is this additional price paid? Is it paid by South Carolina, because she exports seven million one hundred thousand dollars in cotton, and imports and consumes a like amount in some other product? This question cannot be answered without some examination of the course of trade. The labor of our country, like that of all other countries, employs capital, either in producing raw material, or manufactured fabrics, or in buying and selling such raw material or manufactured products. The great laboring classes of our country are, accordingly, employed in agriculture, manufactures, or commerce. If the planters of South Carolina employ their capital in growing cotton, they do not employ it in commerce. The commerce of the country is conducted by merchants. Money is the medium, the great machine by which they conduct all their transactions. Barter is no part of the trade of merchants. It belongs to a condition of society, anterior to a perfect division of employments, and before any circulating medium of exchange has been established. Accordingly, we find the merchants of our country employed in buying up and collecting all surplus products, either of the seas, of the forests, of the soil, or of manufactures. For these they give, in exchange, money, the circulating medium of the country, either gold or silver coin, or paper, which may, at the pleasure of the holder, be exchanged for such coin. That part of these products not wanted for home consumption, merchants export, in pursuit of a market, to foreign countries. These are not bartered, but sold by them, in such markets, for money. This money, or such part of it as may be required, is reinvested in foreign products, such as cloths, hardware, tea, coffee, sugar, aromatics, fruits, wines, spirits, silks, fancy goods, and all such commodities as may be required in the home market, either for consumption or re-exportation. All these commodities are imported, together with the money balance, invested in gold or silver coin, or bullion. This immense importation, amounting, in some years, to one hundred millions, comes back charged with all the costs of these multifarious transactions; and, when further augmented in price by the addition of such duties as by law are imposed on each class of them, they are all placed in the markets of the United States.

If there be an efficient demand for these commodities in our country, and they can be sold without a loss, then, whoever buys and consumes them must pay for all their original cost, together with the cost of importation, and the impost duty, in addition to all these various amounts. Men go to this market, not to receive pay for what they had sold to merchants who purchased and exported their products; much less do they go in quest of their share of these commodities, as if concerned in the great adventure of sending their products abroad to be exchanged, and brought home in money, or in the products of other countries. Do you find, in this great market, the whaler with the invoice of his oil; the fisherman, with that of his fish; the log-roller, showing the amount of his lumber; the peltrist, with his knotted strings of account for furs; the farmer, or manufacturer, each with full statements of either provisions, or bread stuffs, or wrought fabrics? How, then, does the South Carolina planter come to this market? To get pay for his cotton sold to the merchant? No: that he received

when he sold his crop. To take his share of the goods, as if concerned in the original adventure, and in proportion to the amount of his cotton? What claim has he to this? He sold his cotton on the wharf, took his money, and, if every bale, when shipped, had gone to the bottom, or been consumed by fire, it would have been no concern of his. The cotton planter of South Carolina has no more connexion with the commerce of the United States, than the tea planter of China has with the same commerce. He does not, therefore, come into the home market for foreign goods, to get his share of those goods; nor is he obliged to take the amount of his cotton crop, or any other amount, in cotton or woollen cloths, or hardware, or any other commodity. His money is in his pocket, and it cannot be drawn out but by his own option. If he must expend it all, he need not expend it all in the market of foreign commodities; for he will find, side by side with this, another market, abounding in all the products of the land, labor, and capital of our own country. Here he may indulge his patriotism, and satisfy his wants.

From which of these markets is South Carolina labor, and the employers of that labor, supplied? The answer to this question will determine who pays the duty on imported products. Does that labor consume fish? The planter buys them in New England, not only without bounty, but cheaper for the bounty on exported fish. The bounty on exported fish enables the fisherman to supply the home market at a reduced price; so that the bounty is really divided between him and the South Carolina planter. He buys shoes. The leather was made from hides, bought in Ohio at one and a half cents a pound; the shoes manufactured by labor, fed with corn at ten, and wheat at twenty-five cents a bushel, and with meat at two cents a pound. The planter buys shoes at fifty cents a pair, shirting at six and a quarter, stripes at eight, and satinet at thirty-seven cents a yard. The whole yearly clothing for a man costs less than five dollars. Not one article is of foreign manufacture. Not one article taxed with a duty, or made dearer by such a tax. Nay, not one which could, on any day of the year, be purchased cheaper in the English market. What feeds the labor of South Carolina? Is it tea, coffee, sugar? Not an ounce. The whole two hundred and fifty-eight thousand laborers of South Carolina do not consume to the amount of one cent of any article charged with any amount of duty. If they do, what is it? Gracious God! And notwithstanding all this, the owners of these slaves, the capitalists of South Carolina, who, in the language of the member from that State, [Mr. McDuffee] "drive them day and night, summer and winter, to work harder and make more," these mild and merciful capitalists are, by their agent here, clamorous, outrageous, and abusive against the laborers of New England, because they pay less than their share of impost, of tax, on imported commodities.

What do New England laborers pay? They pay the duty on all they buy and consume. They consume coffee at a duty of thirty per cent., tea at thirty-five, and sugar, as the Southern Review asserts, at fifty-two per cent. All these are consumed by the whole labor of New England. The skilled, or manufacturing labor, in addition to these, consume fancy goods. Yes, sir, fancy goods; shawls from England, silks from France, crapes from India, tortoise shell combs from Canton, and Leghorns from Italy. This may seem a paradox to those who cannot, even in thought, separate labor from servitude; to whom work is slavery, and exemption from it freedom; "whose high and palmy" condition of liberty is rendered more lofty, because manured, and cultured, and contrasted by a toiling, debased, and wretched servitude around it. Tell, sir, tell these high-minded votaries of factitious liberty, that the freedom of the North is felt and enjoyed the more, because it is felt and enjoyed by all; and that if southern liberty should wither and perish for lack of slavery to feed, and support

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its growth, northern freedom will grow and flourish, after the sun, in the whole longitude of his course, shall have ceased to shine on the head of a single slave. In the North, labor is not slavery. The persons of whom I speak, are the free descendants of the free and highly respected people of New England. They are the daughters or granddaughters of those wives and mothers who clothed, and armed, and blessed, and hastened their husbands, and sons, and brothers, to the fields of Lexington and Bunker Hill, Bennington and Saratoga. They are not mere bodies, though beautiful and blooming; they have minds well instructed; they have read, and thought. You will see them, modestly ornamented by the labor of their own hands, and accompanied by their parents and brothers, attending the anniversaries of our literary institutions, the yearly discourses at the celebration of our national independence, and in the weekly assemblies for the public worship of the great God, and Father of the whole human family.

Do you ask how those who labor in the North can afford to consume such imported commodities? This cannot be done by labor in France and England. Labor is paid, in any country, in proportion to the demand and supply, in the market, for the labor of that country. In this country, the demand for skilled labor is comparatively great, and the supply comparatively small. This labor, therefore, receives a much greater share of the products of labor in this country, than the same kind of labor receives in England and France. This, operating alike on labor in all employments, prevents the manufacturer from raising the price of his products, and compels him to lower the rate of his profits. All the necessities of life being much lower in this than in most other countries, labor not only receives a larger proportion of the annual production of the country, but can live at a much smaller expense for necessities; and has, therefore, a much larger amount, either to lay up for future use, or to consume in accommodations and ornaments. This, sir, is the great secret of northern prosperity; a condition not the most propitious to the capitalist, but the most beneficial to labor; and demonstrating that while the labor of South Carolina consumes no imported products, and pays not a cent of impost duty, or tax, the labor of the North, made prosperous by the American system, pays into the treasury a greater amount of impost duty, of national tax, than even the South Carolina capitalists themselves. For what do these capitalists buy, and consume, from the two great markets of our country? First, what does the southern planter buy? Carriages, harness, saddlery, horses, household furniture. These are not imported, but, by the American system, protected, and not made dearer by that protection. They buy fine cottons at eighteen cents a yard, which, imported in 1815, cost one dollar and twelve cents. They buy prints, carpets, glass, nails, and all quite as cheap as such commodities can be bought in England. Of woollen cloths, hardware, iron, hemp, sailcloth, cordage, who buys most, the northern or the South Carolina capitalists? If, then, the producer of exports, whether oil, fish, lumber, peltry, provisions, bread stuffs, or cotton, sell for money, and buy for money—and buy, at his option, either foreign or domestic commodities, the amount of duties, the tax paid by him, is governed by his consumption, and his consumption is governed by his choice, and not by the amount of his export. If he sells for money, he may keep his money in his pocket, live from the produce of his own plantation, and pay not a cent for any imported commodity. The South Carolina dogma, the tax in proportion to export, is unsupported by fact, and must have been contrived to deceive, to delude, to create popular excitement, and achieve political objects.

The third and last reason for this monstrous and maddening doctrine is, that the American system does, in its operations, decrease the demand, and thereby diminish the market price of cotton to the full amount of all the

duty imposed on all the foreign goods purchased by the money for which all the cotton of South Carolina is sold. In other words, if machinery and cotton-spinning had been left to England, and never introduced into the United States, or encouraged and protected by that system, the cotton of South Carolina would now have brought in the market not only seven million one hundred thousand dollars, but sixty per cent, or four million two hundred and sixty thousand dollars, in addition to that amount. That State would have received, in 1827, eleven million three hundred and sixty thousand dollars for the exported cotton of that year. Let us examine this paramount absurdity. In 1789, the first Congress enacted the law providing for revenue, for encouragement and for protection of manufactures. South Carolina then planted no cotton. A few years before that time, cotton spinning, by machinery, was brought into Rhode Island by Samuel Slater. England, in that year, imported from all the world, and spun, about one million five hundred thousand pounds of cotton. A small duty was laid on imported cotton, expressly to encourage its production in the southern States. A like duty was laid on imported cotton cloths, to encourage cotton spinning in this country. From what material was the clothing of Europe and America then fabricated? Almost entirely from sheep's wool; flax, hemp, or silk. What has been the progress of machinery for spinning and weaving cotton, and what have been the effects of that progress? A demand for cotton was created and increased by this new and expeditious method of manufacturing it into cloth. By the progress of this trade, hemp for clothing is driven from the market. Flax has nearly followed it; silk is sustained as a luxury only, and sheep's wool would, at this time, were it not for the necessities created by climate, be entirely out of use.

How has this been effected? By a competition between the great manufacturers of England, France, and the United States. The inventions of one have been followed by the inventions of others, and a succession of improvements has advanced them on to perfection. The spindle was followed by the speeder—the single by the double speeder. The flying picker took place of the hand, in cleaning cotton; and the power loom now almost excludes manual weaving. Chemical science, applied to bleaching, performs in a few hours what once required days or weeks, aided by the sun, the winds, and water, for its performance. This rivalry of nations has not only improved, but multiplied machinery. In 1789, the whole number of spindles in the United States did not exceed three hundred. The number increased but slowly for the first fifteen years. The embargo multiplied them; the non-intercourse multiplied them; the war multiplied them; and, above all, the tariff of 1816, introducing the minimum principle of protection, has multiplied them, until, at this time, there cannot be a less number in the United States than one million five hundred thousand. They have, indeed, multiplied like the progeny of the patriarch in the land of their servitude; and, like that progeny, those who were once their patrons, would now throw them into the river.

The same competition has pushed forward the production of England, not only in this, but in every other branch of iron and steel manufacture. English hooks fish every sea, lake, and river: English guns bring down birds of every clime, and every wing: the Arab, the Tartar, rides with English pistols in his belt; and the Sheffield blade has won more and greater victories than that of Toledo or Damascus. These are but minor products. The wars of Europe multiplied her spindles; these are the great instruments of the wealth and power of England. Alexander, by the long spear, and the compacted phalanx, pushed his conquests from the Granicus to the Ganges. England, with her spindles and looms, has manufactured a fabric of power, which, like the broad belt of the Zodiac, enwraps

the whole body of the earth. When Napoleon could not conquer England by the sword, he determined to wield the spindle against his great rival. The continental system, originated by him, gave an impulse to the manufacturing power of France, in competition with that of England. The effects of that impulse continue to this hour, though the mighty hand which gave the movement long ago ceased to conduct the machinery.

This rivalry of nations, this competition between England, France, and the United States, the English system, the continental system, the American system, interest, power, ambition—what have they not done? What would England alone, and without this competition, have achieved? Have not all these united, increased the consumption, the demand, the market value of the great staple of South Carolina? Why, sir, look into your own records; you will find this question fully answered, and that, too, by the soundest commercial men of the nation. They tell you that when the English, French, and American agents enter into competition, in the cotton market of the South, they do, by this very competition, advance the price of that product nearly two cents on each and every pound. This, at the present cost, equals twenty per cent. on the whole amount of the whole annual production. What, then, would South Carolina, in the madness of her mistaken policy, what would South Carolina do? She would destroy one of these great rivals—and, O most unnatural, she would destroy her own country. For what? For her own benefit? No. For the benefit of Old England? That she will deny. What then? Why, simply, sir, that New England may be destroyed, and because South Carolina politicians do verily believe that one cotton market is better than two.

Will nothing satisfy the avidity of South Carolina politicians? They hold a monopoly in the cotton market of the United States. Climate secures this monopoly. We cannot grow cotton in New England. Labor further secures this monopoly to them. Slaves, they tell us, work for twelve cents a day; but free men cannot work for less than fifty. Their monopoly is moreover secured and confirmed to them by this very system, by a duty under it of more than thirty per cent. Is any monopoly of manufactures secured to New England? Are there not waterfalls, and capital, and cheaper labor in the South? Can they not spin? Do they not spin, in South Carolina? We can never take cotton-growing from them; but they can take cotton-spinning from us, whenever, like the patriot, David Williams, they may choose to be their own overseers.

The member from South Carolina, equally regardless of fact, and unmindful of justice, denounces the manufacturers of the free States. "They are monopolists, whose whole souls are absorbed in their capital; without feeling, and without regard for the suffering condition of South Carolina planters. Do you expect humanity from them? Sooner would the cannibal be moved to compassion by the wailing infant destined to feed or to feast him." Yes, sir, these terms of abuse are vociferated through your halls, until the very echoes have learned the indecent calumny, and cry out tariff, manufacturers, monopolist, assassin, cannibal! Where is the truth? Overwhelmed, sir, in this roar of contumely. The tariff, the tariff, I say, gives to the cotton planters of South Carolina a monopoly of the whole cotton market of these United States. This monopoly is secured to them by a duty of thirty-three per cent.; by a perfect protection. They compel northern manufacturers to pay them ten cents for cotton, when, if this tariff were removed, these manufacturers might import that product from other countries at seven. Does this tariff, in return, secure the whole market of the United States to northern manufacturers? No, sir. It permits southern planters to bring into that market, in exchange for their own products, forty millions of foreign fabrics, and that to the exclusion of a like amount, which might be produced by domestic labor and capital. The

fabrics of the North are depreciated in our own market by a competition with all the world; and this is done for the benefit of southern consumption. The planters of the South exclude the cotton of all the world from the United States; they bring the demand of all Europe into that market, and by this competition with all the manufacturing world, appreciate their cotton for the consumption of northern manufacturers. Who, sir, who is the monopolist? Who is most protected by the American system? Whose product is reduced by competition; whose is raised in price by monopoly? Is it the manufacturer of New England, who patiently toils at his trade, and eats the bread of labor and carefulness? or is it the South Carolina planter, lord of a thousand laborers, whose only care is to feed, to thrive, and to rail at the whole working world, who do not drive slaves, and make cotton and tobacco? Away, then, with this insensible South Carolina dogma. The American system does not diminish, but does, by competition between England, France, and America, greatly increase the price of cotton. It does not increase, but does, by a like competition between the same great rivals for the market of the world, diminish the price of manufactured fabrics.

Does the American system give a bounty to the sugar-making, grain-growing, and manufacturing States? This is the third South Carolina allegation against that system. The member from that State did, in this House, in 1828, declare it to be a postulate in political economy, that all duty on imported commodities is to its full amount a tax on the consumers of these commodities, and a bounty to the like amount on all commodities of the same kind produced in the country. If a package of cotton cloth, worth one hundred dollars, be imported into the United States under a duty of thirty per cent., that cloth will be raised in price thirty per cent., and must sell in the market for one hundred and thirty dollars. If the manufacturers of the United States produce cloth of the same kind and quality, it will sell at the same price. So that, if the domestic cloth brought one hundred dollars before the duty was imposed on foreign cloth, it will, after the duty is imposed, bring one hundred and thirty dollars. The duty will, in the one case, be a tax on consumption, and, in the other, a bounty to the same amount on manufactured production. The tax on consumption goes into the revenue, and the bounty into the pocket of the manufacturer. If you raise the duty to perfect production, so that importation of the foreign fabric is prohibited, and the market is wholly supplied by the domestic, the tax will cease for benefit of the revenue, but the bounty will continue for benefit of the manufacturer. This was, in 1827 and in 1828, the dogma of the member from South Carolina. It was, and still is, taught by Dr. Cooper. You will find it in the Southern Review; there the writer has laboriously made out a tabular statement of bounties, paid, as he alleges, by the people of the United States to the producers of various encouraged and protected products, and which, by his calculation, amounts to more than thirty millions of dollars.

What, sir, is the object of this argument? Why, truly to convince the people of the United States that the American system is fabricated for the purpose of fraudulently exacting money from one part of the nation, that the same money may be gratuitously bestowed on another part of the nation. It should, therefore, be abolished. Let us examine this question. If the dogma of Dr. Cooper and of South Carolina be true in the United States, it must be true in England. The English have a protecting system; their corn laws and their tariff. In 1824, all woollen cloths imported into England paid a duty of fifty per cent., all white cottons a duty of fifty, and all colored cottons a duty of seventy-five per cent. What might the farmers say to the manufacturers of Old England? Just what the planters of South Carolina say to the manufacturers of New

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England. These duties raise the price of your fabrics. We pay you a bounty of fifty per cent. on your white, of seventy-five per cent. on your colored cottons; and we pay you a bounty of fifty per cent. on all your woollen cloths. Your tariff is a system of fraud and exaction; it is calculated and intended to draw money from the pockets of farmers, and place it in the pockets of manufacturers. Let all this be true, sir, if you please, for the purpose of this argument; and, indeed, if it be true in New England, it must be true in Old England. It will be admitted, I presume, that goods, of the same kind and quality, are sold in the English market, at one and the same price, to all purchasers. At any rate, the American purchaser will get them at a price no lower than the English purchaser gets them. In 1824, we imported cloths from England. Our whole consumption was not less than one hundred millions of dollars. Had we purchased the whole amount from that country, what amount of bounty should we have paid to English manufacturers? Not less than fifty millions of dollars. If Dr. Cooper and South Carolina be correct, abolish the American system, prostrate the manufacturing establishments of the United States, import all your fabrics from England, and you ensure, on your whole manufactured consumption, a bounty to the capital and labor of that country, equal to three times the amount of your whole annual revenue. The gentleman from New York, [Mr. CAMBRELENG] equally provident of the great interests of both nations, has laid a bill before us, as a sort of codicil to the last will and testament of the American system, which, as he foresees, must give up the ghost under the hands of his learned friend in the Department of State. By this, the gentleman has provided that Great Britain shall never exact of the American people, for the benefit of her manufacturers, a higher bounty than thirty per cent., or what may amount per annum to fifty millions of dollars.

The gentleman from New York would abolish the American system; the member from South Carolina would abolish the American system; Dr. Cooper would abolish the American system, because it secures a bounty to the American manufacturer. Abolish this pernicious system, and you transfer that bounty, that money, from the pocket of the American to the pocket of the British manufacturer. You cannot relieve the American people from this tax; but you will not only make them all pay, but pay to Old instead of New England manufacturers. This will secure equality, though it sacrifice independence, and give to the South the glory of being tributary to a great monarchy, rather than a few inconsiderable republican States. Is this, sir, the patriotism of these times? This our emulation of the glorious ancestry from which we are descended? The first bold brotherhood of American States, were they thus envious of mutual benefits, or tamely subservient to English influence? No, sir, not a cent for British aggrandizement; but millions to advance American independence, wealth, and glory.

If this South Carolina dogma be true; if all impost be, to an equal amount, a bounty on domestic production, then, whenever you find such impost, and such production, you must find such bounty. Do not South Carolina planters touch the accursed thing? Is there not an impost, a duty, on imported cotton, amounting to at least thirty per cent.? Here, then, according to their own professed principles, is a bounty on the whole cotton production of the South. Whenever their export amounts to twenty-eight millions, the whole crop must equal thirty-five, for they sell one-fourth of the whole crop to northern manufacturers. The bounty to cotton planters must, in ordinary years, therefore, amount to ten million five hundred thousand dollars. The Southern Review places the whole bounties paid on all domestic products, at about thirty millions of dollars; but the writer of those articles prudently omits to insert the bounty on cotton. This, it is

seen, amounts to more than one-fourth part of the whole. Are cotton planters one-fourth part of the domestic producers of the United States? No, sir; not one-sixth part. If, therefore, impost duty, on imported products, be a bounty on domestic products, who are the greatest gainers by this system of bounties, the manufacturers of the North, or the cotton planters of the South; the men who rail at the laws, while they are enriched by their provisions, or the men who submit to their operation, and patiently labor for their own and the general good of all the nation? Sir, the animal which growls while he is fed, and bites the hand holding food to his mouth, is, of all beasts, wild or tame, most odious in the sight of God and man.

I have run this doctrine of bounties out into all its branches, not because I believe in its soundness, but to demonstrate, if it be sound, that South Carolina planters, of all men, have least cause to complain of its operations. I now ask the attention of the committee, for a few moments, while I attempt to explain the true doctrine of impost duties, both for encouragement and for protection; and show that the American system does not, and in its ultimate effects cannot secure any bounty to any class of domestic production. The object of this system is to furnish the great staple necessities of national consumption, from the land, labor, and capital of our own country. The founders of this system, the first Congress under the present constitution, did not believe it wise or just to compel the cultivators of the American soil to send their products three thousand miles, under the perils of the seas, the hazards of war, and the oppression of foreign laws, that they might there be wrought into clothing, furniture, or the instruments of their labor, and then reshipped, and brought back in like manner for their use. That they might be relieved from this immense expenditure, nor always rely on the workshops of Europe, provision was early made to erect such workshops this side of the Atlantic, on their own lands, and enable them to furnish themselves with these staple necessities, by exchange of their surplus products with their own immediate neighbors. The very first law which provided for revenue, provided also for the encouragement of the manufacture of all fabrics needful for domestic consumption. The duty on imported manufactures was intended to encourage Americans to commence, and to perfect the like manufactures. It raised the price of the foreign fabric, because it was added to their cost, when imported, and placed in the market of this country. In form, but in form only, it was a bounty on incipient domestic fabrics of the same kind. When the domestic manufacturer could bring products into the market, of that kind, and of a quality equal to the foreign, he could then, but not till then, receive the same price for them. So long as want of skill, deficient capital, or imperfect machinery retarded the progress of his work, and rendered his fabrics inferior in quality to the foreign, he was compelled to sell them at inferior prices. The first cloth, the first cotton, the first sugar made in this country, brought a loss, not a bounty, to the producer. When skill is acquired, capital obtained, and machinery perfected, the producer may receive benefit from impost duty. This can never be the fact, for any considerable length of time; for, as domestic production increases under encouragement, importation will decline, and a want of revenue will call for an increased amount of impost duty. This, again, increases encouragement of domestic productions, and again diminishes importation; and this induces another advance of impost. This is repeated, until domestic production, under improved skill and increased encouragement, supplies the domestic market. Impost amounts to protection; importation ceases; and competition, among domestic producers, reduces the market price to the natural price, that is, to the fair cost of production. All benefit from encouragement is then at an end. Let any man be at the labor of examining the history of every domestic fabric which

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now supplies our market, and he will find this to have been the progress. The whole benefit received from impost has never more than equalled the extraordinary expense of perfecting the skill and machinery necessary for a perfect production of the fabric. The nation has been at some cost for these improvements; the manufacturer is not enriched; but the people now reap the benefit, by having their market supplied with domestic fabrics of equal quality with the foreign, and discharged, not only from the duty, but from the cost of importation, and at a price as low as foreigners can buy them in their own market. I assert it as fact, and I do not fear contradiction, that every domestic fabric, which now wholly, or almost wholly, supplies the market of the United States, is sold in that market at as low a price as English fabrics of the same kind and quality are now sold in Liverpool, Manchester, or London. What is the price of nails, glass, shoes, boots, hats, cotton cloths, woollen cloths, yarns, furniture, saddlery, carriages? It is as low in the United States as in England; and that, too, when English excise is deducted from the English fabric. Dare the member from South Carolina contradict the assertion? I know he dares not.

Where, then, is the bounty? By whom is it paid? Who receives it? It is, sir, a baseless fable; contrived and circulated to deceive the uninformed—to create excitement—move animosities—effect divisions—achieve political purposes, and, if possible, to overthrow the manufacturing establishments, the great interests of the northern States.

One more objection to the American system remains to be considered. South Carolina alleges that she has, by its operations, lost her natural market, the market of England. This, sir, adds ingratitude to the catalogue of unjust and querulous accusations brought against the farming and manufacturing States. In the progress of the American system, their cotton has, in the West, in the North, and in the East, taken the market from the native flax, hemp, and wool of those regions. By a great competition, growing up under kindred systems, between the rival nations of Europe and America, the same material has usurped the legitimate markets of the flax, the hemp, and the wool of England and France; and, to a great extent, that of the silk of France and Italy. The fabrics from this cotton are spread over all Europe. They are sold in every maritime town of Africa. You find them in southern America, from Rio to Lima, and from California to the Cape. The Hindoo, whose daily food is a handful of rice, his daily wages the smallest division of silver coin, can hold no competition with southern cotton, wrought by American or European machinery. The turban of the Great Mogul, once spun and woven from Thibet wool—a fleece more resembling, in fineness, pencils of moonbeams than any palpable, material thing—of so fine a web and woof, the whole texture so evanescent, that, although one yard in breadth and sixty in length, the whole fabric was lightly packed in a richly ornamented box, elegantly wrought from a small cocoa-nut shell; the turban of the Great Mogul, the successor of Aurungzebe, the descendant of Tamerlane, whose camp exceeded in splendor the richest cities of the East, whose sword made more women childless, than that of the most renowned conquerors of ancient or modern times; the turban of the Great Mogul, sir, now a finer, a richer, and more highly finished ornament, is woven in the British loom, and from the Sea-Island cotton of South Carolina.

To what further extent would she push her legitimate commerce? Russia still grows and wears some hemp. The silkworm of southern Europe and Asia is not altogether shaken from the mulberry groves of those regions; and the luxurious inhabitant still weaves and wears, for some part of his dress, the product of his native clime. Otherwise the kingdoms of the world have submitted to the empire of cotton; and, like the people of these States, wear this badge of commercial brotherhood with the southern sisters of our Union.

If the demand for cotton in the markets of the world be extended to its utmost limits; if that market, already filled with American cotton, can receive no more; what claim can South Carolina have on the States of this Union for any aid in a further extension of her commerce in that product? She can sell no more, unless some other product can be excluded from the consumption of the world, so that cotton may take place of it. The great, enduring necessities of the world demand food, clothing, and habitation; civilized and stationary nations will never build houses of cotton; and though South Carolina, aided by the machinery of America and Europe, may push her commerce, in that product, into the consumption of the nomadic nations of Asia, so that her cotton shall furnish tents for the Arab and the Tartar, yet she can never make any progress in compelling men, wild or tame, to consume her favorite commodity, for any part of their food. Her great competition is now with the flocks and the herds of the world; and if she could banish leather and woollen cloths from use among the human race, her triumph would be complete. Climate, not the American system, is here her great adversary. Were it not for this, every sheep in the United States would, long ago, have been sacrificed for the extension of South Carolina commerce. Winter will return once a year; and the people of northern climates will, if they can obtain them, wear woollen clothes. It was said two years ago, in a celebrated report on the state of the finances, made by the then chairman of the Committee of Ways and Means, that the people of the United States annually consume woollens amounting to seventy-two millions of dollars. Since that discovery, the claims of South Carolina have been extended, and the denunciations of the American system, from that region, are, if possible, tenfold more loud and boisterous. Here they are met by a physical barrier; not only the unconquerable obstinacy of climate, but the utter impossibility of admitting one fibre of cotton into the woollen trade. The growers and manufacturers of sheep's wool are the great consumers of the fabric. Until, by some great discovery, you can spin and weave cotton into woollen broadcloths, this trade, to the full amount of their consumption, must, to the utter exclusion of South Carolina commerce, remain with the wool growers and woollen manufacturers of the world. Exchange how you will, it must come to this at last. If the grower of cotton exchange it for sheep's wool, he must exchange that again, if he do not consume it himself; and again, and again, it must be exchanged, until it comes to its proper consumer. The cotton must follow the same round in quest of a consumer; until both the cotton and the wool come back again to their original producers, or perish in this round of useless exchange and circulation. If South Carolina denominate the woollen trade her legitimate commerce, the laws of nature, not the American system, stand in her course; and until she can rail wool from the backs of our sheep, snows from the hills of New England, and scowl winter, with all his storms, back to the polar regions, she may, she must, without advancing one step in her progress, exhaust all the vengeance of her State sovereignty on the innocent provisions of that system in vain, utterly in vain.

While South Carolina incessantly complains that the grain-growing and manufacturing States will not aid her foreign commerce, by their consumption of foreign commodities, let us look at her own exertions, and learn how she aids that commerce by her own consumption. In 1827, she exported eight million one hundred and eighty-nine thousand four hundred and ninety-six dollars. She imported one million four hundred and thirty-four thousand one hundred and six dollars, in the same year. Of that amount, one hundred and thirty three thousand and sixty-five dollars were re-exported. With a population of more than five hundred thousand, South Carolina aided her own commerce by a consumption of foreign products amount-

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ing to one million three hundred and sixty-one thousand and forty-one dollars. These were probably teas, coffee, sugar, wines, woollens, and hardware, eight articles. If she imported of each an equal amount, it was, in each article, one hundred and fifty-two thousand four hundred and thirty dollars and ten cents. Three of these, cottons, hardware, and woollens, were probably received from England. The whole amount from her dear commercial friend was three hundred and twenty-seven thousand nine hundred and three dollars and thirty cents, in exchange for about seven millions of dollars in cotton, her own great staple. For the balance, the cotton planters drew bills, and sold them to the northern importers of English fabrics, at twelve per cent. advance. In this liberal manner, South Carolina planters aid by their consumption the legitimate commerce of that State with England—a foreign export of eight million one hundred thousand dollars, sustained by a consumption of foreign products amounting to one million three hundred thousand. This, too, was done with a population of more than five hundred thousand souls.

How do the manufacturing States aid South Carolina, in her natural market with her dear England? Take Rhode Island as a sample. In 1827, that State, with a population of eighty-three thousand, imported one million two hundred and forty one thousand eight hundred and twenty-eight dollars; re-exported two hundred and eight thousand and ten dollars; and consumed one million thirty-three thousand and eighteen dollars. How just, how liberal, how grateful is South Carolina to the manufacturing States, which so aid, sustain, and extend her foreign commerce! What fair and honest claim has she, by which to compel them further to purchase and consume English fabrics, that she may sell a greater quantity of cotton to English manufacturers, when she will not take them for her own consumption in exchange for her own products? Why, sir, for this very purpose, what a storm of anathema did, for three days, rage through this Hall? O! had Jove, for that brief time, but yoked his lightning to those volleys of sound, whose head would now be above his shoulders!

Such, sir, are the wrongs of South Carolina, these are her complaints, her accusations, and thus she sustains them against the grain-growing, the sugar-making, and manufacturing States of this Union. What remedy does that State propose for all these imaginary grievances? You find this remedy in the amendment proposed by the member from South Carolina. That State would overthrow the encouraging, the protecting, the American system, and build on its ruins a structure, such as cannot be found in any nation of Europe, and because the scheme of it was devised and delineated in England, called the English system. By this, when it is perfected, these United States, abandoning all other employments, must farm, and plant, and fish; and import from England all, all their necessary manufactured fabrics. It is, sir, the very system of the colonies, the revolution revolutionized. I will examine it, and, in that examination, inquire whether the South will probably be placed in a more prosperous condition by this exchange of systems.

To illustrate the effects of this revolution on the South, it is needful, first, to show what will befall the North under its operations. The overthrow of the American system, the repeal of the laws enacted for the encouragement and protection of American industry, would, at once, bring the manufacturing capital of England into a war of competition with that of the United States. Which is most powerful? The capital devoted to that purpose in England was, in 1812, one hundred and fourteen millions of pounds sterling. It probably, at this time, equals one hundred and forty millions of pounds, or about six hundred and forty-four millions of dollars. Let the manufacturing capital of the United States be estimated at one-sixth part of that sum; and it does not, in all probability, exceed that amount. Impost duty is to be reduced, under the new

system, to a rate sufficient only for the purposes of revenue. That revenue, when the national debt is paid, (and under the present policy, the other great branch of the American system, the improvement of harbors, rivers, roads, and canals, is abandoned)—that revenue will not be required to exceed ten millions of dollars. In any event, fifteen per cent. on all imported commodities will, in time of peace, supply the treasury, and pay all officers their annual and other salaries. The duty on British fabrics will be reduced to fifteen per cent. What will be the effect? Importation of foreign manufactures would be increased to a great amount, and sufficient to deluge the markets. Could American manufactures resist the tide? Prices must fall to a very low rate. Losses, to the amount of at least thirty-three per cent. on the whole supply of our market, would follow. That supply is furnished, at this time, one-fourth of it by English, three-fourths by American capital. Three-fourths of the loss must fall on American capital; less than one-fourth on English. One year would sink one-quarter of our capital; while that of England would suffer little more than one per cent. A second importation would complete the overthrow; and, after two years of abundant supply, and low, very low prices, leave our whole consumption to the mercy of foreign manufacturers, exasperated by the competition, exulting in their triumph, and determined to reimburse their loss, by charging, on our defenceless country, the whole expense of the war. For having dared to attempt independence, the Holy Alliance of Europe would punish you and your children, through a long course of years, and until some more wise and patriotic generation, like your and their illustrious ancestors, shall arise, and again dare to throw off the ignominious yoke.

What must befall the capital and the labor of our country, before such a revolution could be achieved? The circulating capital is swept away by the competition. Fixed capital must become useless, and follow the same fate. First of all, the great investments in works for the manufacture of iron would be thrown out of employment. The gentlemen from Tennessee, Pennsylvania, New Jersey, and New York, from right to left, in this committee, can tell you the extent of this ruin. Next to these, all the structures, raised and filled with machinery for spinning and weaving the wool of our farmers into fabrics for their and our clothing, must stop their wheels. Capital invested in cotton mills, with all their preparation, their spindles, their looms, will next fall into the procession; and these, together with all expenditures made for raising and using water power, for all other purposes throughout the whole extent of our country, shall be thrown out of use, decay, perish, and be lost to the nation. Tell me not that the owners may sell out, or change their capital to some other employment. Who will buy what no one can use? To what other purpose would you convert a forge, or a furnace, than the making of iron? Woollen and cotton factories; what will you do with them, when you can no longer manufacture cloths? Mill dams, water wheels, conduits, gates, flumes, sluices? You cannot work them up into ships, or wagons, or ploughs, or convert them into manure, and spread them out on your farms. When all your manufacturing fixtures, and the millions of machinery now moving in them, are destroyed, the skilled labor at this hour, operating on all these great engines of production, will, like these their instruments of toil and livelihood, be useless and out of employment.

Water power, now performing so much labor, must cease to be of any use. Plunge the sword to the heart of five hundred thousand horses, such as transport loaded wagons from Pittsburg to Philadelphia, and you would not put to death a squadron of efficient and productive power, such as must perish under this new system of slaughter.

Labor-saving machinery; what are the achievements of

this mystery, in multiplying human labor? Some tell us that, with this machinery, one person will do the work of one hundred and fifty; others, one hundred; but all agree that one hand will, with these instruments of toil, perform more than fifty can without them. Have you five hundred thousand persons thus employed? You realize the labor of twenty-five millions of people. This pestilent gas, generated by Dr. Cooper and his persevering disciple, this simoom from the South, shall pass over your rivers and waterfalls; and death, and silence, and desolation will lie down together on the banks of every stream.

By these events, agricultural labor and capital, now employed in feeding manufacturing labor, will have lost that employment, and become useless. That agriculture, which produces provisions and bread stuffs for distant markets, is not here intended. The manufacturing labor required to make, to move, and to keep in repair one hundred spindles, with all their accompanying machinery, will consume annually to the amount of one thousand dollars in agricultural products. These, almost all of them, from their quality, must be consumed near the time and place of their production. Among them are pasturage, vegetables, fruits, milk, butter, cheese, poultry, meats, the produce of the orchard, fuel, timber, forage, beasts for travel or transportation. When the machinery, and the labor which operates that machinery, are gone, the demand for these products will be gone with them; and they will cease to be produced, and the land, labor, and capital employed in their production, must remain uncultivated and useless.

The trade of one must become the trade of all. No one would purchase agricultural products, and, therefore, no such products would be grown for sale. Manufacturing labor must turn to agriculture, and migrate in quest of cheaper lands and various employment. Villages will be deserted, and fall into decay; cities depopulated; the grass shall grow "where merchants most do congregate." Surrounding lands are left without culture, because the people fed by their fruit are in other climes, to return no more. Orchards, and gardens, and meadows, and pastures, are given up to weeds, thistles, and brambles. Flocks and herds are not seen in the land. Rivers, no longer controlled by the skill, labor, and power of man, have torn down all obstructions by him placed in their way, and roar on towards the ocean in that ceaseless stream, begun by them, before the first morning, after the deluge was dried up from the face of the earth.

Left, as in the days before the revolution, with a diminished and sparse agricultural population, we shall be without encouragement to increase our production. Europe, abundant in her own resources, would receive from us no provisions, bread stuff, fish, or lumber. We could sell nothing to the nations beyond the Atlantic; and we could, therefore, buy and consume none of their manufactures. By the mere force of our condition, we must return to our colonial habits. Again, our native flax, hemp, and wool would take the place now filled by cotton. Our women, mindful of independence, will take the distaff; the wheel and the loom shall again be heard in our habitations; and household cloths take the place of manufactured fabrics.

Sir, I narrate these things as the historian will hereafter narrate them to marvelling nations, when the tongue that now speaks, and the ear that now hears, shall be forgotten. I narrate them, that the politician of the South may hear and triumph in the hope of these coming events; that the patriots of the South may hear and unite with us to prevent their arrival. To warn these patriots, I will attempt to portray what things may, as the sequents of our northern desolation, come upon their and our beloved South. Let the politicians, the friends of England, and the English system, look at the picture, and be refreshed.

The American system places an impost, a duty of three cents a pound on imported sugar. This duty is, to that amount, encouragement to the Louisiana planter, and is in-

tended to sustain him in the immense expenditure necessary in commencing, and carrying on to perfection, the growth and manufacture of a production so necessary and important to this nation. When the crop is seventy millions of pounds, the whole encouragement amounts to two million one hundred thousand dollars. Under the English system, intended to be established by the amendment proposed by the member from South Carolina, this duty will, ultimately, be reduced to fifteen per cent., or to about seven mills and one-half on a pound. Can Louisiana, in the present state of her culture and finances, sustain this shock? Sir, the enterprise of that State has more adventurously engaged in agricultural improvements, than that of all the other parts of the country united. That State has been, by a gentleman of South Carolina, of classic taste, denominated on this floor, "A Delta of more than Egyptian fertility;" but it should not be forgotten, that, like Egypt, it will require the wealth of another Scosstris to reclaim this region from the dominion of its overwhelming river. Take away the encouragement now given by the tariff to her production, prostrate her sugar culture, for the establishment of which she has been at such immense cost, and you give back this "Delta of Egyptian fertility" to the dominion of the Mississippi. The levees, already raised on the sides of that stream above this State, confine to the channel of the river those waters which heretofore spread out upon the lands of Arkansas, and the adjacent States. Stop the progress of improvement in Louisiana, by a destruction of her great staple production, and these waters will soon spread out on the already reclaimed and cultivated lands of that State. The effect is beyond calculation. The planters of that State are known, not only for their enterprise, but for their hospitality. Their abodes are open to the stranger. The cultivator, "when the toils of the day are done," in the midst of his household of love, and friendship, and joy, looks out on his "moonlight groves of cane." The English system shall pour the waters of the Mississippi over his plantations, and put an end to his prosperity, his joys, and his hopes. Alligators, old and young, may float on the stagnant lakes, or hold their family gambols over his buried halls. I would not longer look at the picture; I leave it to the crocodiles of the new world, and to the member from South Carolina.

Louisiana has not deserved this; and the States of the South will learn that she cannot be made to suffer alone. Her sugar culture has created an immense demand for labor. This demand, like a demand for any other commodity, has raised the price of that labor, and increased their cost to the owners of those persons who perform it. Various opinions are holden on the amount of this increase of price; it will be found to vary, as you approach to, or recede from, Louisiana, the great market for this labor. It is probable the average market value of slaves, throughout the whole slave-holding region of the South, is raised not less than two hundred dollars a head, by the increased demand for their labor on the sugar-raising plantations of Louisiana. The slave population of the whole South amounts to about one million five hundred thousand. This population is said to double once in twenty-five years; and, therefore, gives sixty thousand slaves for the average annual increase number. At two hundred dollars each, the whole increased value is annually twelve millions. This amount is realized by the whole South, in the advanced value of their stock, or in the increased money amount of the annual sales. The establishment of the English system, labored after by the member from South Carolina, when it shall have reduced the encouragement on sugar to seven mills and one-half on the pound, and overthrown all the sugar-making planters of the South, will strike from the annual amount of southern wealth this item of twelve millions of dollars. The learned political surgeons of that State will find, when they have

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paralyzed one limb of the body politic, others must wither and perish with it.

This will not be all. The manufacturing establishments of the North are overthrown by the operations of "the English system." Competition in the cotton market of the South, between European and American purchasers, does now, as it has been demonstrated, advance the price of their whole annual production twenty per cent. If the ordinary crop sell for twenty-eight millions, it would sell without this competition at an amount less, by at least four millions and a half. Let the amendment of the member from South Carolina prevail, overthrow American manufactures, take away this competition for the purchase of cotton, and this item also must be added to the invoice of southern loss.

Once more, and I will leave this inventory of ruin in the hands of whomsoever it may concern. When our manufacturing capital and labor are in full and prosperous operation, we purchase and spin southern cotton, for which we pay to the planters of South Carolina, and other growers of that product, about seven millions of dollars annually. The overthrow of our establishments must bring us back to the use of flax, hemp, and wool, and exclude cotton from our consumption. Cotton to that amount will not be raised, because it will not be wanted; and the land and labor now employed in producing it must be thrown out of use, and become of no value to their owners. Look at the amount southern planters will lose: The encouragement on sugar, \$2,100,000

The advance of cotton, advanced by competition, 4,500,000

The supply of cotton for American manufacture and consumption, 7,000,000

The advanced annual value and amount of sales from the market of slaves, 12,000,000

The total amount is \$25,600,000

Tell us not that we shall continue to buy and consume your cotton; we shall have nothing wherewithal to purchase the fabric from the English loom, or to obtain the raw material for household manufacture. Do you imagine that our wives and daughters would lay your cotton to the wheel or to the distaff, where their mothers and grandmothers placed the wool and the flax raised by the labors and the hands of our fathers? Think not of it. Neither they nor we shall ever endure the ignominious dependence. How then can we work up, if we could purchase your cotton? Our spindles are beaten into ploughshares; our waterfalls are desolate; our skilled, our manufacturing labor is gone; and without money appropriated by Government for their migration: these people are on the other side of your great river in quest of a country. Some of them hunt the buffalo on the prairies beyond Missouri; some trap for lesser game in the Rocky mountains; and some, pushing their more unwearied and adventurous course farther on towards the Western Ocean, have sought and found waterfalls and new seats on the tributary streams of the Oregon. Here have they built for themselves a country, established commercial relations with the Society, the Sandwich, and Friendly Islands of the Pacific; and here New England labor and New England economy have taught them to live and thrive, unmindful of the country whose mad and cruel policy drove them into exile. Here they may live and flourish, until some slave-driving politician and planter of South Carolina finds out their little commonwealth, extends the iron provisions of the English system to their labor, and again chains them to a miserable dependence on South Carolina cotton and British looms.

The advocates of the English system may tell me these things will not, cannot, come to pass. If we are liberal to England, England will surely be liberal to us. Repeal

our tariff, she will repeal her tariff, her corn laws, and open her ports to our commerce. She will receive our cotton, as she does now, at a duty of six per cent; our sheep's wool, as she did in 1824, at six pence sterling a pound; and our wheat, at her lowest rate of duty, sixteen shillings and eight pence sterling per quarter of eight bushels. Let us, sir, if you please, so believe: and though Adam Smith told all the world, in 1776, that England, on an average of years, buys but one bushel of corn to every five hundred and seventy-three of her consumption; yet, to give to the friends of free trade all they can ask, let it be admitted that England will purchase from us to the amount of one-third of her whole supply of bread. The annual consumption of that nation is stated at fifteen millions of quarters of eight bushels each. One-third, five millions of quarters, forty millions of bushels, will, in this state of free trade, be received from the United States. If you please, I admit she will receive our fish, beef, and pork, at thirty per cent., that being the rate of duty offered by the gentleman from New York, [Mr. CAMBRELENG] in his perpetual basis of free trade between the two countries.

Let us examine the effect of this system of commerce on the interests of these United States. Exports will be great; imports, and consumption of English manufactured fabrics, will be abundant. We should, annually, in this state of affairs, probably import cotton cloths to the amount of forty millions, and woollens to the amount of sixty millions of dollars. Our cotton wool must go to England, as it does now, charged by her with a duty of six per cent. This augments the cost of that raw material exactly to that amount, and every one thousand pounds of cotton is thereby raised in price from one hundred to one hundred and six dollars. The cost of raw material is one of the original elements in the cost of the fabric. It goes into the cloth, and nothing will ever draw it out, until it is worn out on the back of the consumer. It would be idle to hope that England will draw back that duty then, which she retains in her treasury now. In coarse cotton cloths, which would constitute nearly all your importation, raw material is one-half of the cost of the fabric. Your whole cotton consumption of forty millions of dollars would come to you in effect charged with a duty of three per cent. On this part of your free trade, you will annually pay into the English treasury one million two hundred thousand dollars.

Will your woollen trade be less productive to the English finances? If that nation receive our wool as they received it in 1824, at a duty of six pence sterling, or twelve cents on a pound, and pay us forty cents for that quantity, the duty will amount to thirty per cent. Our wool will be wrought into woollens, at a cost of thirty per cent. for the benefit of the English treasury. This additional cost will come back to us, in the English woollens wrought from our own wool. In these cloths, also, wool is one-half of the cost of the fabric; one-half the duty, or fifteen per cent. will, therefore, be charged to us. No process of chemistry, or political economy, can extract this from our woollen consumption. It is a case not provided for by the learned Dr. Cooper, or by his equally learned disciple, who has, for so many years, edited this House on great questions of national interest. Pay you must, on the whole amount of your English woollen consumption, one-half the per centage, which has been charged on your wool; and pay it you must for the benefit of the English treasury. You will import sixty millions of English woollens; fifteen per cent. on that amount is nine millions of dollars. This forms the second great branch of commercial profit, resulting from the English system of free trade.

The export corn trade will be great, and may compensate for these minor inequalities of benefit, in our importation of cloths—forty millions of bushels of wheat, somewhat more than one million tons. This will give immense em-

ployment to our "mercantile marine," and realize all the golden schemes projected by the chairman of the Committee on Commerce. It should, however, be remembered, that business cannot be rendered profitable by doing a great deal, when every part of it is a losing concern. The English will receive our wheat at their lowest rate of duty, sixteen shillings and eight pence, sterling on the quarter of eight bushels. This will be, on each bushel, about fifty cents. This corn, if we make no account of the cost of conveying it to England, will, by the duty, be raised in price fifty cents a bushel. The English manufacturers, who fabricate cotton and woollen cloths for our consumption, must pay fifty cents more for each bushel, than it would have cost American manufacturers, had they consumed it while producing the like fabrics in this country. This additional cost of their bread must be added to their wages, or the English manufacturing laborers cannot buy and consume our corn. Wages are one of the elements which go into all the fabrics produced by labor. As surely as raw material, at all its cost, is paid for, so surely must wages, at their whole cost, be paid for by those who consume the products of labor, fed and supported by wages. The duty on American corn is charged to the English manufacturing laborers who consume that corn. These laborers charge the amount of duty paid by them to the English master manufacturers, in the enhanced price of their wages. These master manufacturers must reimburse themselves, by charging a like amount on their cotton and woollen cloths. Here is the end of the course; and the American farmers, who have sold the corn, and who must buy the cottons and woollens, stand in the gap, and must shoulder the burden. What is it? The whole amount of your exported corn was forty millions of bushels; the duty on each bushel is fifty cents, and amounts in the whole sum to twenty millions of dollars. Let this be the third item in your account of profit and loss in the English system of free trade. I might run this account out into more length—setting down freight on the outward and home voyage; insurance against perils of the seas, perils of war, hazards of increased duty; competition with foreign growers of corn; and all the long inventory of evils resulting from this miserable and degraded tributary condition of dependence for our necessary clothing on a nation at a distance of three thousand miles. Here I will stop, and, after placing together the amount paid to England on these items of export, leave it to each gentleman of the committee to fill up the amount for himself.

You will pay as a duty on cotton in the cloth brought home for your consumption,

\$1,200,000

On sheep's wool, in a duty on wool brought back in woollens, for the like purpose,

9,000,000

On corn, in duty increasing its expense, and thereby increasing the cost of labor fed by it, and finally charged on the fabrics brought home for your consumption,

20,000,000

Amounting to \$30,200,000
This, sir, will be a part of your annual loss—your annual tribute to the treasury of Great Britain.

Sir, is it wonderful that Englishmen, and the friends of Englishmen, should write, talk, toil, declaim, for the English system? Is it wonderful that the patriots before the revolution labored and toiled, and at the revolution fought and bled, to save themselves and us from this degraded, tributary condition—"this golden chain" of South Carolina politicians? Is it, can it indeed be wonderful that the survivors of those patriots, the Congress of 1789, laid the foundation of the American system, with high purpose of finishing that glorious achievement?

Sir, let our whole country adopt this policy--this English system--and from that time we are to England what

Poland is to the other nations of Europe. The West will not do this--the North will not do this--do it who may, New England will not. So long as one soldier of '75 lives on our hills, or one soldier's dust sleeps in a grave on our battle fields; so long as the 4th of July is a day in the christian calendar, New England will not. By the souls of those men who fell at Lexington, and Bunker Hill, and Bennington, now beatified by redeeming mercy, New England will not chain herself to the wheel of this odious system.

Will the South, the generous, the warm hearted, the patriotic South do this? Will they leave us? Plant their fields, that British royalty may reap their toil? Be tributaries, that a few demagogues may wear stars on the shoulder, or garters at the knee? When such a spirit is abroad in the land, will they not question it?

"Be it a spirit of health, or goblin damn'd,
Bring with it airs from heaven, or blasts from hell,
Be its intents wicked, or charitable;
It comes in such a questionable shape,
That they will speak to it."

South Carolina--of all these States once most devoted to this Union--go thou, if thou wilt. Leave this brotherhood of republics, this home of equality in the new world, for alienage in the old, and secondary rights and honors with European royalty. Provide for thyself other relations--alliance with England! The union will be Sicyon with Macedonia; Aratus, the republican, with Antigonus, the king. When his beloved city was filled with foreign soldiers; when he beheld the family of his darling son dishonored, and felt the poison circulating in his veins, "such," said the dying patriot to his weeping friend, "such, Cephalon, are the fruits of royal friendship." Alliance with England! No matter by what name this connexion is known to politicians in South Carolina, it will be deemed by all free men in all other lands, the lion and the lion's provider!

England!--and what has England done for the South? English avarice plundered from Africa her untamed barbarism, her wild freedom, and, when chained and whipt into slavery, imported and spread out the moral pestilence over her whole colonies of the South--not only on you, and on you, and on you, was the scourge of nations inflicted, but on all those of "the cane bearing isles" of the Caribbean sea. Why, and for whose benefit? That this wretched slavery might toil; that you, as overseers, might toil, and plough, and plant, and reap, and deliver to England the rich harvest. For what? For the very purpose, under the very system, this day, in this House, so earnestly demanded by you? that her labor may be fed from your fields, and your harvest be taxed to furnish her revenue; that they may be enriched by you, and you be made poor by them--they be lords, you any thing they please.

What more would England do for the South, if more may be done? Would she goad on that State to separate from the Union? Hear; read; and read all which is said, or written, by her hirelings in Europe, or by her renegade hirelings in America. Of all, what is the amount? Divide and conquer, whom, united, she cannot. Conquer the South by alliance. The North? No, not the North, nor the East, nor the West. These they cannot; while there is a man, or a woman, or a child left living in those regions, they cannot conquer them. Let them, as in other days they did, pour the barbarism of Europe upon us. Each valley shall be a Golgotha; each hill shall be steeped in blood to the very top. Here we have lived free; where we have lived, as we have lived, we will die; and the winds of heaven shall, in those regions, blow over none but free men, or the bones or graves of free men.

What other boon is England providing for herself, and for her colonies, her allies in the new world? The pure spirit of humanity, of elevated morals, of genuine religion, and of universal emancipation, are abroad in the world. These will be made tributary to her wealth and to her power. Avarice and ambition will sell her glory and her god for gold, and for dominion. Already it is said, and

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it will be enacted by England, that slaves in the West India islands must be free. Can South Carolina be the ally of Great Britain, and not feel the influence of her power and policy? When "St. George's banner, broad and gay," floats, as it once did, over the territory of the State, the spirit of English emancipation will walk abroad under the shadow of its ample field; and every chain shall drop from the neck of every slave. The master and his free man shall plough the same field; feed from the same table; sleep in the same dormitory. If so far might be well, would such a herd of slaves, at once let loose from discipline, from the restraints of masterdom, submit to law, and patiently labor even for themselves? Here will be seen the length, and the breadth, and the depth of English humanity and English wisdom. She foresees the time, under the effects of this policy, when the arm of her military power must be extended, to hold under control the emancipated slavery of the new world. Here will be, not only work, but pay, for her surplus population. The United Kingdom can furnish a large supply; for the most effective troops will not be thought requisite for the colonial service. Such as might perform garrison duty, may be detailed for officers of platoons, and, to some extent, for file leaders. The filling up will be made from other masses of population. Wandering mendicancy shall be culled of its sturdy beggars; alms-houses assorted for a stouter class of paupers; and jails recruited for athletic, untransported felons, to fill up the ranks of this servile war. Such a demand for men may be further satisfied by whatever has strength of arm to handle the firelock, or activity of leg equal to moving the left foot first; or so much of vitality as may be started by beat of drum, or blast of the "ear-piercing fife." When poor-houses and prisons are swept of their living tenants, Manchester and Sheffield can recruit them into men, and they will come out of these workshops, brightened in buff and scarlet, shining with caps and cockades, bristled with muskets and bayonets; cut up into companies, and regiments, and brigades, they are offered by supernumerary young lords and long swords. Numerous as locusts, such, sir, will be the army sent out by the patronage and liberality of England to protect the white, and awe, and instruct, and quiet into good citizens the colored population of her colonies and allied States. Sections of these veterans, quartered; not only on Jamaica and Barbadoes, but on South Carolina, and such other States as may join her alliance, you will see manœuvring on parade, or promenading public places, or bowing in ball rooms, and giving a new tone to every complexion of society. Do not expect such and so many benefits, without cost. These military men must earn their rations and their wages, and receive them, too, where they do services, and win their honors.

Forgive me if I speak more in the words of mirth than sadness. It is not in the heart of man—I cannot—I cannot, even in imagination, look at our country, disunited at home and allied abroad, unless the darkness of the picture be relieved by some lights not altogether germane to the coloring.

Land of the South, look at us. Hear the voice of your friends, the sons of your fathers' friends. Lovely realm of valor and beauty, who protects you now? Your own country—a brotherhood of patriots. Were it not so, what might not be? You are awakened by the cry of fire at midnight. The blaze of conflagration illumines your chamber. Insurrection, and massacre, and violation are in a husband's, a father's fears. You start from your bed, your wife presses her infant closer to her bosom. Do you hear the shriek of your daughter flying from brutality? Your son is cloven down, you find him weltering in his blood on the threshold of his sister's chamber. It is—God be praised—it is but a dream; an agonizing dream. You lie down again; but the fearful vision will not depart from you, until, with lighted taper in your hand, you step soft-

ly into every chamber, look at every child, put a kiss on every forehead, and breathe a father's blessing over every innocent and lovely sleeper. What makes your and their security? What cools your fevered and anxious apprehensions? A thousand slaves are on your plantations; but the full fed and slumbering tiger cannot be more quiet. We sleep far off in our green valleys; but our fidelity is awake; and the arm of our power is at the very door of your habitation. The whole slavery of the South knows you are strong in our Union; powerful in our united strength. From West to East, around the whole horizon of your northern hemisphere, the cloud of our power is ever in their eye, and "hangs lowering on the declivity of our mountains," ready to burst upon their heads the moment one arm is raised against your safety. This appalling meteor can never be hidden from their eyes, until, between you and us, you shall raise a wall of separation high enough to cover the terrific vision.

What further would the free States in this Union do to relieve those encumbered and burdened by slavery? How gladly would they make disbursements for the great and glorious purpose of colonization? Do you say this could not have been the intention of those who founded this Government? The patriots and philanthropists of this Union will join to place this power in the constitution. It may require years of patient labor, and wise counsel, and liberal appropriation, to perform this work. The disease is chronic; but fewer years than formed it, may operate a perfect cure. Migration first forms colonies; these will extend into States, and those into United States, yearly absorbing a greater and greater number of emigrants. These movements, slow and small at first, grow more rapid and extensive, by their own progress.

During the last century, a mighty revolution of mind has been made in the civilized world. Its effects are gradually disclosing themselves, and gradually improving the condition of the human race. The eyes of all nations are turned on these United States; for here that great movement was commenced. Africa, like a bereaved mother, holds out her hands to America, and implores you to send back her exiled children. Does not Africa merit much at the hands of other nations? Almost four thousand years ago, she, from the then rich storehouse of her genius and labor, sent out to them science, and arts, and letters, laws, and civilization. Wars and revolutions have exhausted this ancient abundance, and spread ignorance and barbarism over her regions; and theupidity of other nations has multiplied and aggravated these evils. The ways of Providence cannot always be seen by man. When the Almighty comes out of his cloud, light fills the eyes of the universe. What a mystery, when the youthful patriarch, lost to his father, was sold into slavery! What a display of wisdom and benignity when we are permitted to see "all the families of the earth blessed" by that event!

Shall we question the great arrangements of divine wisdom, or hold par lance with that power who has made whole countries the enduring monuments of his avenging justice? Let these people go. They are citizens of another country; send them home. Send them home instructed and civilized, and embued with the pure principles of christianity; so may they instruct and civilize their native land, and spread over its wide regions the glad tidings of human redemption. Secure to your country, to your age, to yourselves, the glory of paying back to Africa the mighty arrears of nations. Add another new world to the civilized regions of the globe.

Do not say your States will be depopulated; your fields left without culture. In countries equal in fertility, and under the same laws, you cannot create a void in population; as well might you make a vacuum in the atmosphere. Better, more efficient labor will come to your aid. Free men, observant of the same laws, cherishing the same Union, worshipping the same God with you, will place

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themselves by your side. This change of moral and physical condition in our population will follow the removal of that pernicious cause, now so productive of alarming difference in political opinion; jealousies, incident to our present state, shall give place to a glorious emulation of patriotism; and, O my country! if God so please, thou shalt be united, and prosperous, and perpetual!

Mr. BOULDIN said, he could not regard the issue of this debate in any degree doubtful; yet was the subject under discussion of vital consequence to this Government and to this country. An issue is made up [said Mr. B.] between gentlemen of the highest standing and greatest talents, deeply involving the prosperity of the country, and the very existence of the Government.

It is alleged, on the one side, that one-third part of the population of the Union are, by law, compelled to bear a burden equal to two-thirds of the whole revenue arising from imposts. This inequality is denied on the other side, accompanied with the admission, that, if it exists, no Government can maintain it, no people will or can bear it. This, however, is followed by the assertion, that the tariff laws have been forced on the North; that capital has been invested under them; and, whatever may be the present or future views of the South, she will be held to it; and thus, it seems, the flag is nailed to the mast.

The southern people and their State Governments entertain the same opinions with their representatives here. Throughout the whole planting country, the opinion that they are unequally taxed, is settled, is fixed. No difference exists among them on the subject, but that which arises from the different degrees of irritation arising from the oppression of this system of protecting the labor of others at their expense.

I repeat that this is a question of vital importance. My constituents have been represented here by one who could do justice to this or any other question. And although I should be the last man in this world to call on them or you, sir, "to look on that picture, and on this," yet I cannot forbear saying that, to him, we owe the fact that the "hyena," embargo, (which has been charged with being the progenitor of this tariff,) was a thing, in the creation and continuance whereof my constituents had no share. With that reach of thought, extent of knowledge, and accuracy of judgment, in which he has few equals, no superiors, he foresaw the end of these things, pointed them out to us, and we have only to lament that those who ruled the destinies of this land did not also see the nature and character of commercial restrictions, as applied to American policy. I agree, sir, that the gentlemen who say that the tariff, of which we now complain, grew out of the embargoes, non-intercourse laws, and war, are right. Yet, should it not be forgotten that the petitions, remonstrances, and memorials of those who afterwards opposed the embargo most violently, had no inconsiderable effect in producing it. But it matters not how the tariff came; the inquiry is, whether it be an evil, and how to get rid of it. I shall not attempt to range over the whole ground occupied by the gentleman from South Carolina, [Mr. McDuffrie] who opened this debate; and in the partial view which I shall take, I may not be able to prove the existence of the inequality stated by him to its full extent; yet am I not to be understood as admitting that any of the conclusions drawn by him were erroneous: it is only the mere simple and obvious effects of the tariff system I mean to exhibit; leaving the able and profound views of political economy, taken by that gentleman, unaided, and not (designedly) weakened by me.

I shall attempt to prove that the burden imposed by the tariff system on the southern country is so unequal, that it justifies a peremptory call for relief; that it is such "as no Government can maintain—no people can or will bear." But, before I enter on the particular course of reasoning by which I expect to demonstrate that propo-

tion, I beg leave to make some general remarks on the system itself. I freely admit that, in every country, the employments of men should be so diversified as to suit their various propensities and capacities; and, so great is the advantage of this diversity, that labor is often advantageously employed on objects which (on any general estimate) yield (as it seems) less profit than others to which it might be turned. But the genius and disposition of the people will sufficiently lead them to this diversity of pursuit. I grant, too, that, as it regards manufactures, the Government of a compact country, including a population similarly situated, may sometimes act wisely by taxing the community to foster manufactures; but this happens only when, regard being had to the price of labor, the climate, genius of the people, and every thing which can permanently influence the price of production, it is seen that the needed skill, experience, and economy are all that is wanting to enable them, in that particular, to meet the manufactures of other countries in fair competition. And, sir, to justify this taxing of the community, there should be, at least, a fair probability that, in due season, he who pays the present price of protection, shall be repaid, and with reasonable interest, by the diminished price or improved quality of the article. A question often arises, whether it is best to give this extent of justifiable encouragement, by direct bounties, or by duties laid on the foreign article. I shall make no effort to solve this question as a general one. In regard to such a country as I have supposed, the protecting system, in the one or the other mode, may be adopted, according to circumstances. But, as it regards such a country as the United States, direct bounties would be less unequal and unjust in their operation than protecting duties; but any mode of protection by this Government would be liable to the objection that a general tax is applied to a partial benefit: this, however, is certainly better, or, rather, not so bad, as the operation of the protecting duty system here, which makes him who is very remotely, if at all to be benefited by manufacturing skill, pay double as much to produce it, as he does, who is to reap all the direct, and nine-tenths of the remote, advantages from it. To place the fact of this inequality in a plain and simple point of view before the country, was, and is, my principal object. I have adverted to these truisms in political economy, for the simple purpose of showing that so much of sense as there is in the common slang of fostering American industry, has not been passed heedlessly over by me. Should I be charged with taking my principles, in part, from Alexander Hamilton, I should not plead "not guilty." The difference between that great statesman and some "I have heard others praise," is precisely that which separates between the physician of science, experience, and sense, and the bold empiric whose nostrums cure all diseases. When Hamilton proposed moderate discriminations in the duties, to protect manufactures, he examined, critically and accurately, into the extent of the difficulties to be overcome; proportioned his means to the end; but with "this especial observance," that, with him, the end was never one not worth the means required to produce it. Those who have followed have reversed this picture entirely—they do not inquire the cost of what they desire: if it be good in the abstract, it seems to suffice them; and if they regard us as alien enemies, they need not care how much we pay for what they get. Between Hamilton and those with whom I agree in opinion on the original and general questions of American policy, there was this difference, that he deemed it desirable that this Government should have more power than the constitution gave it. They thought it had too much. He thought this Government had more power under the constitution, than they thought was conferred; and thus he acted under the Government, more as if he had an entire whole under his management, than those whom (in this respect) I am proud to follow, deemed consistent with the sovereignty

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and independence designed to be retained by the States. His was, in a word, the old federal doctrine, denied, repudiated, but practised by the new republican school, with this only difference, that, while they follow the principles of Hamilton, they wholly discard his wisdom and prudence in practice. One of Mr. Hamilton's maxims I have heard cited here as authority, during this debate: it is, that the final effect of success in any branch of manufactures, is to reduce the price of the article. Of this effect, he never lost sight in his practice. He deemed it unwise to expend money to force the manufacture of any article which could not, in the end, be produced here as cheap as it could be imported. Fifteen per cent. duty was regarded by him as an ample bounty for the production of any article; and, whenever that encouragement failed to produce the effect of success, he deemed it a practical proof that, at the time of trial, the article could not be advantageously manufactured here.

It is not denied but the acts of foreign Governments might defeat this rule: but they can do it in no other way than by bounties on the manufacturing or exporting particular articles. These bounties, I know, must be met by an equivalent bounty or impost, over and above the fifteen per cent., to give the rule a fair trial. I have heard a good deal of unmeaning reference to a change of times, and fall of prices, as circumstances requiring a variation of Mr. Hamilton's rule. These, sir, are wholly without meaning. If circumstances have rendered the cost of production of any article in a foreign country half what it formerly was, and those circumstances do not apply here, it is the very reason why we should purchase and not manufacture the article. If the circumstances do apply, then fifteen per cent. gives the same advantage it before did. But to our modern politicians the failure of fifteen per cent. only proves that fifty is required, which is laid on with much indifference by those who receive more of it than they pay; and that they do receive more than they pay, that the minority, consisting of one-third part of the population of this country, are greatly overburdened by this protecting system, I shall proceed to prove. To set this matter in a clear light, I will suppose a case. N and T are distinct parts of the same country, equal in population, and separated by the river P. T produces the whole exports, and manufactures none. The merchants reside in N; they buy the exports made in T, and export them. They import an equivalent; upon which imports a duty of forty per cent. is laid. In N, every article imported is also manufactured; but they manufacture exactly half as much of each article as the consumption of the whole country requires. The inhabitants of T receive the money for their exports of the merchants of N; and they turn round and lay out one-half of it for articles manufactured in N, and the other half for goods imported. The inhabitants of T are, by this duty, burdened with a duty of forty per cent. on the whole amount of their exports; and the inhabitants of N, collectively, pay not one cent of this tax, except the duty on the imported goods, purchased with the freight and exporters' profit; by which amount the statement shows N to be able to pay for and consume more than T. The result here stated can by no reasoning be rendered more clear to men acquainted with the affairs and business of the world. To such it is manifest that the home made article of the same quality will sell, in the same market, for the same price with the one imported. To such, too, it is also plain that the manufactured and imported goods will be sold at somewhat better prices, provided the manufacturer can afford to undersell the importer than if he cannot. In the former case, the importer will be compelled to be circumspect, and import only what the market requires; thus keeping always what is called a sharp demand. A knowledge on his part that the manufacturer can undersell him, will always prevent him from overstocking the market; and, I suppose, no one will require it to

be proved that the manufacturer will not, ordinarily, sell his goods below the market price. Charity is unknown in transactions of this kind.

In the case stated, T pays forty per cent. on all the imported goods consumed by her citizens, which goes into the treasury, and precisely the same amount (which is, in effect, a bounty to the manufacturers of N) for home productions.

It is perfectly manifest that, in the case stated, T pays the whole tax, except the little paid by the merchant and ship owner; for, at the time the citizens of T lay out their money in goods, one-half imported, and paying a duty of forty per cent., and the other half of home productions, paying no duty, for the same money, the other half of their consumption might have been supplied by duty-paying goods; and the money they thus pay for home productions, will pay for the same quantity of imported goods consumed in N, being the whole importation, except the ship owner and merchant's freight and profit. These are, indeed, commonplace matters, and truths so obvious, that, in the more able views taken of this interesting subject by scientific political economists, what I have attempted to prove by argument is referred to simply as a fact about which no doubt exists. Nor could I have been induced to present an argument of this sort, but for the round and constant assertion, here and elsewhere, that the burden of protecting duties is borne wholly by the consumers of the duty-paying goods, in proportion to the consumption of such goods.

In the case I have stated, it is shown that N, as a body, pays no import taxes. I know that individuals in N (all but the manufacturers) pay this tax; and among them they do also pay exactly the same sum that T pays; the whole amount of duties is paid to the treasury, and the same amount is paid to the manufacturers in N. In their exchanges one with another, this protection is no protection at all. The actual protection given to these manufacturers is confined wholly to the productions of their labor, sold to the unprotected classes.

In the country I have supposed, the manufacturing establishments may also be supposed to be interspersed throughout the country of N; the premium paid to them for manufacturing by their unprotected neighbors, the cultivators of the earth around them, is in some degree compensated by the market they afford for agricultural productions, and occasional employment given to the spare labor of the farm; and when it is considered that the market in T for their goods may be fairly, in this case, said to double their numbers, and so double the sum of this convenience to their neighbors, and that, in most cases, a good deal of dust can be thrown over the question of quality and price; and if to all that be added the fact that the duties were raised upon a falling market, covering the effect produced on the price, a strong case is made for the acquiescence of these neighboring cultivators in the share they have to bear in supporting this establishment, which, in this case, is of the same cost with that of their Government. To the citizens of T this is an unmixed burden, "and an inequality which no Government can maintain, no people will, can, or ought to bear." I am perfectly certain of the effect of the case supposed. If it is not demonstrated, it is my fault. It remains for me to show in what degree the different parts of this country approximate to the case supposed, and therefrom to conclude whether the present tariff laws do operate so unequally that they ought not to be and cannot be borne.

The facts are, that one-third of our population produce two-thirds of our exports; that the goods imported are subject to a duty of at least forty per cent.; and let it be admitted (though not believed) that the imported articles are consumed, throughout the whole country, in proportion to population. The two-thirds who produce one-third of the exports, are largely engaged in manufacturing

the same articles on which the duties are paid. That part of the country in which two-thirds of the exports are produced, are not, nor are they expected to be, engaged in manufactures.

I think it must be admitted that all the goods imported must, generally, be paid for by articles exported. And if the North and West consume two-thirds of the goods imported into the United States, if they pay for them at all, they must pay for them with the exports of the South.

Here I will take occasion to remark, that the very able gentleman from Massachusetts [Mr. GORHAM] sets forth, in the most clear manner, how he who furnishes what a planter of cotton or tobacco needs, acquires the power and right to consume part of the goods for which the tobacco or cotton is exchanged in a foreign market. There is no flaw in his reasoning, if the facts are as the argument supposes. But that is the very hinge on which this question turns. In the case supposed by me, the inhabitants of N. entitled themselves to the moiety of the exports, or their proceeds, produced in T. But the law gave them forty per cent. advantage in the exchange, so that T gave one hundred and received sixty. Now, then, do our northern and western brethren become entitled to the proceeds of one-half of the southern exports? The answer is, by things they sell us, or that they sell to others. But the statement shows that their exports are laid out in imports, and half the southern exports are required to make up the deficiency in their means of paying for imports consumed. One-half, then, of the exports produced by the South are purchased by the productions of northern and western labor. Do we pay them the average duty of forty per cent. in this exchange? This is a matter not susceptible of that sort of proof which will make one who receives the bounty admit it; but the payer sees it plain enough. I know, indeed, that, between the South and West, there has been, and is, a trade in stock, which is not regulated by law; in other words, we are not compelled by law to give more than the market price to Kentucky for pork. I know, too, that the ship owner earns part of our exports, and he, it is true, is as far from being a favorite with Congress as the southern planter. But the great mass of productions received by the southern planter is from the North and East, upon almost every article of which the full amount of the duty is paid. Coarse cottons, I know, are sold for less than the duty itself; but it does not follow that we do not pay forty per cent. even on that article; it is now manufactured in England astonishingly low; and if the views gentlemen give us of that matter were founded on facts, they would at once reduce the duty to fifteen per cent., which is enough to secure the manufacturer against the effect of English bankruptcy.

But suppose the coarse cottons to be sold to us at a fair price. An estimate has been made, during this debate, of the cotton purchased by the North, (greatly too large, I suspect,) but the half of it, with the flour, tobacco, and corn of the South, consumed by the North, will pay for all the unprotected goods we get of them, threefold. With regard to our trade with the West, I doubt whether the slaves annually sold to Louisiana, (which is also a tariff State,) added to the other things sold to the North for consumption there, will not pay for every article we obtain of the North and West, which is not affected by the tariff, to its full amount. But to this large amount add one-eighth of southern exports, and I know the sum will be sufficient, and more than sufficient. How then would stand the account? Upon the supposition that the southern exports in any year amounted to forty millions of dollars, and the whole import amounted that year to twenty-four millions of dollars, the burden on the South would be fourteen millions of dollars; and this is so, whether the manufacturer makes any thing by his trade or not; for Congress has induced him to go into a business at which he can only save himself, although others are compelled to pay him

forty per cent.: the penalty on them is the same as if the whole forty per cent. was to him a profit; and it is attended with this aggravation, that they are deeply injured for no one's benefit.

This view of the case makes the burden on the South one-eighth less than the more able one of the gentleman from South Carolina [Mr. McDUFFIE] made it. That eighth is allowed in this estimate only because the remainder justifies the loud, the peremptory call for relief, now reverberating from every part of the planting country, except that in which sugar is produced. I say the admission is only made for that cause; for I do believe that the bread stuffs, cotton, tobacco, slaves, lumber, &c., sold by the South to the tariff States, (for their own use,) will more than pay for every unprotected article purchased by the South of any of them, including every article (if such there be) which is (now) not affected by the protection: and I mean in this statement to include freight and merchant's profit, paid to them on our foreign commerce.

In drawing this conclusion, I have no guide but my opinions of the results of trade between the States, formed from simple observation.

I believe that when the southern exports amount to forty millions, and the import duties to twenty-four millions, the burden imposed on the South by the laws laying those duties, is sixteen millions; but of nothing (not resting on mathematical truth) am I more sure than that, from the same amount of exports and impost duties, the South are burdened with fourteen millions—a burden from which relief must and will be had.

The sentiments I often hear expressed on this subject, "that no duties are paid on home manufactures, and that each individual contributes the same to the treasury, in proportion to his consumption of duty-paying articles," as an answer to the objection that our system of protecting duties bears unequally heavy on the non-manufacturing States or parts of the country, affects an ignorance of the applicability to our situation of the view I have taken of this subject, covering an insult to our understanding, gross as the system itself is oppressive and unjust. I did not, and do not now, propose any particular reply to the arguments on the other side; but one of them is so extraordinary, I shall not pass it by.

Sugar, says the gentleman from Rhode Island, [Mr. BURGESS] is the only article, the price of which is increased by the tariff; and by the tariff on that article, the value of southern property, or labor, is increased, or kept up (which here he sees is the same thing) to the amount of many millions more than its owners have been injured by the system. He did not condescend to tell us why the competition of the American producer of sugar with the foreign producer did not result, as he supposes the forced woollen manufactures in Rhode Island to have resulted; that is, actually in lowering the price of both the foreign and domestic article. In this market, this distinction is founded, I suppose, on two facts; one, that sugar is a southern production; and the other, that, unless the tariff raises or keeps up the price of sugar, it is not conceivable how it would affect the price of slaves. But how is the southern planter bettered by the price of the labor employed by him being raised in the market, while the produce of that labor is stationary, or lower, in price? So far as the labor in question is designed for any use but sale, the inference of benefit is directly the reverse of the fact; and besides the manifest loss of an increased capital, producing the same interest, there is this other apparent loss, that so much of the produce of this labor as is vested in sugar, produces less than it would do by forty per cent.

I do admit that when, by unjust burdens, the planter is broke, his creditors get a better dividend, from the fact that the New Orleans slave dealer can get a better price from the sugar planter than can be paid by those cultivators who, of their sinking substance, are still compelled to

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protect those who are growing daily in wealth, and wallowing in luxury. But what is said by the gentleman in regard to the price of sugar, is true in regard to every article of home manufacture with which the demand is not fully supplied; and as to such articles as are manufactured in sufficient quantities to supply the demand, so much of the duty is still paid, as the cost of production here, with the necessary profit to the manufacturer, exceeds the price at which the article might be imported. I should not con over these commonplace matters here, but, somehow or other, the truths they contain seem to be too near and obvious to be allowed to have influence here, or even to exist. As to the idea that a protecting tariff, by increasing production, lessens the price abroad, and so does not raise the price here, I think the gentleman from Massachusetts who first addressed the committee, [Mr. DAVIS] supposing that he could collect the idea of making a foreign country pay our revenue from some part of the argument of the gentleman from South Carolina, [Mr. McDUFFIE] sneeringly called it "a new discovery in political economy;" but if this notion be true, the discovery has been practised on for centuries. I know that so long as the manufacturer gets more for his goods than the least living profit on his capital, you may reduce the price by increasing the quantity of goods; but when you come below this, production must lessen, until the living profit is again made. Causes independent of our tariff would have put, and did put European manufacturing capital down to this minimum profit, and labor down to the bare subsistence of the laboring classes. New inventions in machinery, modes of sustaining laborers for less, and of applying their labor better, may still lessen prices; but your tariff laws have had, and can have, no effect but to increase the price here in comparison with the price elsewhere. On this subject, the gentleman from Massachusetts [Mr. GORHAM] gives us full information, and there is no man, here or elsewhere, more capable of informing others. Nor does the different views we have taken of this and some other subjects, abate aught from the idea I have formed of his possessing all the qualities befitting a representative of the cradle of American liberty. He tells us that if our present system of duties be repealed, not an axe nor a hoe, not a spade, shovel, or hammer, could be made at our shops; that not only would our workshops and manufacturing establishments on the seaboard be annihilated in a moment, but that British goods of every description would penetrate throughout the whole country, and be sold so low, that they could not be made by our artists. Sir, this statement is undeniably true; and with a knowledge of it, of the amount of duties now by law assessed on imports, the quantity of the same articles manufactured and sold in the country, the amount of exports and imports, and places which produce the exports, with a knowledge of the fact that these domestic manufacturing establishments are not, and will not be in the southern country, the monstrous injustice of saddling the South with half the burden they bear in rearing up these manufactures appears so plain, that it proclaims aloud that relief must and will be had. This would be so, even were it true that the present list of protected goods would, in a reasonable time, need no protection.

The direct benefit of the effect thus produced would be exclusively, even then, confined to the manufacturing districts, and the indirect benefit to agriculture, out of all proportion in favor of the same districts.

But this land of promise, this good to come, like human bliss, recedes as you approach it, and it is still to-morrow. More than double the time needed to make the whole southern country a waste has passed since the duties and other charges have brought many articles into advantageous competition with the foreign commodity; yet no article, which ever called for the protection of law, now sells as low as it could be imported, but for the law. The day

when the wages of labor will be low enough for merchandise generally to be manufactured here as low as they may be imported, is one for which a good man ought not to pray. It is too distant for our circumstances; justice, partial justice, at least, must be sooner done; no reference, even in thought, should be had to a severance of these States. But the inequality of public burdens exists as I have stated it, if not in all the aggravation of the statement, still enough, and more than enough, to justify the affirmation that no Government can maintain it, no people ought to bear it. Like the gentleman from Massachusetts, [Mr. GORHAM] as I regard no threats, I make none; but if I see a course of legislation here which my constituents cannot bear, I should be false to them if I did not say so. I say it, therefore, because I believe it; and I call on New England in particular, and also on every tariff State, to examine this subject dispassionately; the results of the principles assumed, as well as the principles themselves, are undeniably true. The facts are believed. Into these facts, I beg that inquiry be made, and, if fairly made, I am sure justice will be done. But relief, in some way or other, must and will be had. I conclude, sir, that the amendment proposed ought to be adopted. That amendment would leave the protection of manufactures up to, and above, the maximum of Alexander Hamilton. And while the southern States would still be unequally and unjustly taxed, the actual amount would be, perhaps, a burden which they can bear. I have said nothing of the total want of constitutional power to keep up this most oppressive burden. Those who think they are unequally taxed, do also generally believe they are so burdened by unauthorized power—a state of things to which I refer simply to weigh as it should. Of the entire accuracy of these opinions, I have no doubt; but men of all parties here agree that Congress are not prevented by the constitution from doing what they want to do in any case. An argument, therefore, on that subject, would be useless.

Mr. MARTINDALE said, he was very desirous of presenting his views to the committee on this momentous subject under consideration. He was [he said] desirous of doing so, not only because of its magnitude and sweeping character, but because he considered this the last tariff debate. A kind of crisis was now presented; and the argument being exhausted, or about to be exhausted, the alternative [said Mr. M.] is placed before us—either to submit to legitimate, constitutional legislation, or coerce a constitutional majority by the superior physical or moral power of a minority.

The honorable gentleman who moved the amendment under consideration, has signified his intention of closing this debate, and expressed a desire that whatever can be urged against it, should be first submitted. I am anxious, [said Mr. M.] so far as the patience of the committee will allow, to comply with his request; for, notwithstanding the wide range of this debate, and the great talent it has elicited, all the aspects and relations of this subject have not yet been examined. Indeed, it is beyond the grasp of any single speech, or the compass of any single debate. But, in the hands of the gentleman from South Carolina, its circumference has been immensely enlarged. Here is a new basis of argument, and new ground of reproach and complaint. He has described the South as the tributaries of the North, at the rate of ten millions annually. The tariff takes the vast sum of ten millions annually, over and above their just proportion of the public burdens, from two millions of free men, and transfers it to ten millions of their more favored neighbors, who are represented as the taskmasters of the South, and insatiable monopolists. To sustain such extraordinary charges, it became necessary to assume an entire new theory, and the gentleman has boldly advanced the political heresy, that exportation pays the duty on imports. In as much as cotton, rice, and tobacco constitute two-thirds of all the exported produce of the United States, the States producing these articles

pay, in that proportion, the entire revenue of the Union. The gentleman assumes what is manifestly absurd upon the face of it, and is, in terms, a direct contradiction of a truth almost self-evident, and of opinions universally received as true, and universally adopted in practice. Let us consider it for a moment. The duty is, in fact, added after the purchase; and whatever be the price of purchase, the duty, like the per centage of the retailer, is superadded. As an undeniable matter of fact, then, the ultimate purchaser, who is the consumer, pays in the purchase price the sum total of the original purchase price, and all subsequent charges, whatever those charges are. The duty is a subsequent charge. He, therefore, necessarily pays that charge, unless it be thrown back upon the producer, by some retrospective *ex post facto* principle, operating upon future purchases. There is nothing voluntary or conventional in this business. The operation cannot be effected by any arbitrary, predetermined act of the intermediate manufacturer. An uncontrollable law of trade is, that the supply of the market regulates the market price. There must be some intelligible process, by which the problem can be wrought out. It cannot be by disburdening consumption, for consumption is not charged with the duty. The proposition of the gentleman throws the charge upon the producer, the effect of which would be to diminish production and not consumption. I am utterly unable to comprehend the *modus operandi* of this strange hypothesis. But let us examine some of the consequences which must necessarily flow from the gentleman's doctrines. If it be true that the producer pays the tax upon consumption, it follows, of course, that the consumer does not pay it. And if this be true, we have been very unwise in reducing the duty on tea and coffee. We shall not diminish the price to the consumer. We have only alleviated the burdens we had imposed upon the Chinese, the Javanese, and the West Indians. We have thrown away ten millions of revenue, which we had contrived to make the foreign producer of these articles contribute to our treasury. But the gentleman's own recommendation contradicts this necessary conclusion from his present proposition. He has procured a reduction of the duties on teas and coffee, on the plausible pretence of making them cheaper to the consumer, whereas, according to his present reasoning, the reduction of the duty on teas and coffee will so increase the consumption at home, and thereby raise the demand abroad, as to augment the price abroad equivalent to the reduction of the duty at home.

But how can the producer of one ingredient of the fabric be separated from the producer of another element of the same fabric? If the producer of the cotton, for instance, pay any portion of the duty imposed upon the manufacture, does he pay all that duty, or only that portion equivalent to the proportion of the value of the cotton to the value of the fabric? How does the manufacturer escape his portion of the tax? It is inconceivable. The gentleman's ingenuity will be taxed more severely than he has represented his constituents to be, to devise a scheme by which he can exonerate the manufacturer from contributing, at least, his proportion to the payment of the duty on the manufacture. Is it not so? Let it be remembered that the gentleman's proposition exonerates the consumer from the payment of the duty, because he charges it upon the producer. The duty, therefore, does not raise the price of the manufacture to the consumer, for, if it did, he would necessarily pay the duty. It diminishes the price, therefore, in the hands of the producer, or the producer does not pay it. But it is the manufacture upon which the duty is imposed. It is the manufacture, therefore, the price of which is diminished, or else the addition of the duty would raise the price, and the consumer would pay it. You must, of necessity, diminish the price of the manufacture before you can affect the price of the raw material. It is utterly impossible

in the nature of things to reach the raw material, by duty on the manufacture in any other way. This is self-evident, and will no doubt be admitted. On the gentleman's theory, the value of the entire manufacture is first diminished by the duty. All its elements (for these combined are the manufacture) must, of course, be diminished in value in the same proportion in which they enter into its composition. These elements, besides the raw cotton, are the skill, labor, and subsistence of the artisan, and the use of the machinery and capital of the master. On an average, these constitute four-fifths of the value of cotton manufactures. Four-fifths of the fifteen millions, therefore, which the gentleman charges upon cotton, should be charged upon the manufacturer and capitalist. For three millions, which the cotton and tobacco planter pays, the British capitalist and manufacturer pay twelve millions into our treasury. This is inevitable, or the gentleman's theory is good for nothing. The gentleman's patriotism would cheerfully acquiesce in the payment of three millions for the sake of a tribute of twelve millions from England and France; and the more especially when he allows the proportion of the national revenue, justly chargeable upon the cotton-growing States, to be about five millions. But if the gentleman's assumption be true, our duties upon the manufactures which we do consume depreciate as much the value of those of the same kind which we do not consume, as of those which we do consume. The loss is incalculable to England as well as the cotton-growing States. Our duties, of something more than ten millions, upon cottons, woollens, iron, and hemp, and their manufactures, it is alleged, diminish the value of forty millions worth of raw produce by fifteen millions. This is effected by reducing the value, not only of the manufacture wrought of the raw produce just named, but also of woollens, iron, and hemp, and their various manufactures. The thirty millions worth of cotton which we export produce one hundred and fifty millions worth of manufactures. We import, say ten millions worth of these, not more, on which we impose duty. But that which is left for foreign consumption is affected just as much by our duty as that which we import. The market price of the whole is the same. So of all the other manufactures purchased with our cotton, rice, and tobacco, or else we do not lighten the burdens upon cotton, rice, and tobacco, by reducing the duty on woollens, iron and hemp. The mass of these manufactures and materials, from which we supply our imports, it is impossible to estimate: but if the woollen manufactures of this country amount to seventy millions of dollars annually, according to numerous estimates, those of England, Holland, and France cannot be less than four hundred millions, the price of all which we have reduced by our duty in the proportion of fifteen to forty, that is, by an imposition of a duty of ten millions, we have annihilated a value of at least two hundred and twenty-five millions. Indeed, this amount, extravagant as it may appear, is far below the actual loss, on the assumption of the honorable gentleman. This estimate excludes entirely from the account, iron, hemp, flax, and their manufactures. But if a duty on cotton goods diminishes the value of tobacco nearly forty per cent., it is impossible to estimate its influence upon the value of Saxon sheep in Germany, or Young Hyson tea in China. The extravagance of the gentleman's theory is its own refutation.

But how can the duty on woollens and iron depress the price of cotton? By diminishing their price? This would be favorable to the consumer, and, so far as cheapness could produce such a result, would encourage consumption. But a more extensive consumption of woollens would not increase the consumption of cotton, or in any way encourage its production. But does the duty on iron and woollens enhance their price? Then the consumer pays the duty, and the producer does not, and then cotton is not charged with the duty on woollens and iron,

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and the gentleman's proposition is erroneous. Indeed, it is a notorious and very strong fact, that the comparative dearthness of woollens, notwithstanding their present ruinous depression, has been the cause of substituting, very extensively, too, cotton manufactures for woollens; and this, more than any thing else, accounts for the rapid increase of the consumption of cotton from less than one hundred millions of pounds to three hundred millions of pounds in ten years. If the duty on woollens has diminished the consumption of woollens, it certainly has not diminished the consumption of cotton, and its repeal could by no possibility increase the consumption of cotton. But when did cotton, rice, and tobacco begin to pay the imposts on woollens, iron, hemp, flax, and silk? Before or since the tariffs of 1824 and 1828? It is manifest that if they pay the duties now in the proportion they bear to our other exports, they paid them before in the same proportion, and will continue to pay them in that proportion, even should these tariffs be repealed. The rate of duty, and the proportion which these raw products bear to the aggregate of our exports, cannot change their nature, nor alter the relation in which they stand to imported manufactures. The repeal of these tariffs, therefore, would only so far alleviate these oppressed productions as it diminished the revenue, and would, in no degree, distribute the burden complained of, only in so far as it multiplied and distributed the various exports with which those manufactures are purchased. But it is not contemplated, and, I presume, not desired by the honorable gentleman, to substitute flour, and beef, and pork, for cotton, in the foreign market, in the purchase of our manufactures. But, unless this substitution were effected, the repeal of the tariff would not alleviate the unequal burdens of the South, nor transfer their due proportion to the North. Cotton must still pay the duties so long as it continues to be the medium of exchange for English and French manufactures. Neither is an essential diminution of revenue anticipated from this proposition, should it be adopted, but a greatly increased consumption of cotton. How this can be accomplished, without diminishing the price to the consumer, is to me incomprehensible. If goods do not become cheaper by taking off the duty, I cannot conceive why he should be induced to buy and consume more. But if the diminution of duty is a diminution of price to the consumer, then the consumer pays the duty in just so far as the price is enhanced by the duty, and then the producer does not pay it, for both cannot pay the same duty. The gentleman's own proposition denies the applicability of his remedy. His proposition is false, or his remedy is inefficient. They cannot cohere. It remains certain, however, that cotton would still pay the duty, whatever it might be, and of course the revenue, and precisely in proportion to the amount of its exportation.

On this hypothesis, the case of the southern States is utterly hopeless and incurable. They must secede from the Union. It is a desperate remedy; and even that, I will endeavor to show, could in no degree administer the relief sought for. Suppose a thorough conviction of permanent irreconcilable interests should produce a dissolution of the Union, and the cotton-growing States are erected into a separate Government—a new United States of America—(if a union could be accomplished among so many absolute sovereignties.) What then? Why, they would continue to grow cotton as now, and eschew all manufactures, and throw open their ports to all the world, and establish an unlimited freedom of trade, (as the most valuable freedom,) and supply their treasury by an income tax, or, what would amount to the same thing, a direct tax on slaves and real estate. The northern tariff States would pursue their present policy, and cherish and protect their manufactures, as the best means of promoting their agriculture and commerce. If placed on an equal footing with the most favored nations in our intercourse with the Southern Republic,

we should continue to buy and manufacture their cotton according to the present course of trade, and northern capital and northern ships would still continue to purchase and export the cotton, rice, and tobacco of the South. The intercourse between the North and the South is free now; and so far as the export of cotton and tobacco is concerned, it is perfectly free between England and the South; and yet northern ships transport all, or nearly all, the cotton of the South. This condition of trade would continue if the tariff should be repealed. It would continue if the cotton-growing States should secede. They are not commercial States. They have neither ships nor seamen, nor can they have. The northern States would continue to buy foreign manufactures with southern cotton, so long as they imported foreign manufactures; and as long as they imposed duties thereon, the southern cotton would pay them, if it pays them now. A little attention to this subject will make it perfectly clear that the change in the political relations of the States would not in the least vary their commercial relations; provided the same freedom of intercourse was allowed as is now enjoyed. It would not transfer from the North their capital, their ships, nor their commercial marine, and certainly not their manufactures. How, then, would it influence the course of trade? It would relieve the South from the burden of the duties on manufactures; but for this alleviation, they would be compelled to substitute an imposition of a more onerous and intolerable character, upon cotton, or upon that which produces it. They would not alleviate the burden. They would only change its position from manufactures to cotton, and its character from a voluntary to a compulsory tax. They would not think of dispensing with a Government and its concomitants. They must have a navy, an army, and fortifications; and they would soon find themselves in the enjoyment of all the blessings of a national debt, and all the embarrassments of paying the interest and redeeming the principal. The conclusion of the whole matter would be, that the price of their cotton would not only be diminished, but the quantity also; and the wealth and population of South Carolina would be transferred to the Texas, or the cane fields of Louisiana. But let us view this subject in a different aspect. Suppose the dissolution of our political relations should produce an alienation of friendship, and a suspension of intercourse. The South would prohibit the manufactures of the North, and the North the cotton of the South, both in the bale from Savannah and Charleston, and in the box from England and France. The South would lose the market, not only for the two hundred thousand bales now manufactured at the North, but of nearly half that amount now manufactured in England and France, and reimported and consumed at the North. The North would find their cotton in Louisiana, (for Louisiana is a tariff State,) in Texas, in Mexico, in Brazil, in Egypt, in Liberia, in the whole belt of the earth, seventy degrees broad, extending at least thirty-five degrees each side of the equator, "New England, and her associates in this system of tyranny and oppression," would then make these vast sections of the earth her "tributaries," instead of Georgia and South Carolina, in so far as their cotton furnished the medium of exchange for any commodities on which she could impose duties for revenue or protection. What, then, would be the price of South Carolina cotton, with the loss of a market for at least one-half of her present crop. The disastrous consequences are sufficiently manifest, and certainly inevitable. Then, indeed, would despair, desolation, and ruin sweep through the land, and leave but a blighted, barren, and trackless waste behind. It is not necessary to deepen the shades of this picture with the horrors of a civil or servile war, to render it terrific, and to arrest our progress to an exhibition of the reality. But the course indicated by the present temper, and new doctrines of South Carolina, lead directly to this black abyss. If the State of South Carolina nullifies the tariff, the Union is *ipso facto* dissolved, or is

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preserved only by enforcing the tariff, and executing upon the State the laws of the Union. If the Union be dissolved, still the mischief is not cured, but aggravated. No remedy is applied, but numberless and intolerable evils are engendered, to be perpetuated forever. Now, let us look at the other side of this question. You ask us to repeal the tariff. We cannot do it. You complain that the tariff is intolerable to you. Its repeal would be inevitable destruction to us. To us it is a proposition of self-immolation. You must destroy our woollen, cotton, iron, hemp, and salt manufactures, or you accomplish nothing. Your object is, you avow it, to reduce us to the necessity of buying of England and France, with your cotton, all that we now produce or manufacture of these articles, to enhance the price of cotton, and to enable you to sell more. This is your proposition. This is what you intend to accomplish. It is what you must accomplish; or, however much you may injure us, you derive no advantage yourselves. There are two sides to this subject. It may be well to look at the magnitude of the interests which you propose to sacrifice, and which you must sacrifice, to build up your own. The woollen manufactures of the United States have been estimated at the annual value of seventy millions. This, of itself, is more than double the whole cotton-growing interest of the Union. The manufacture of cotton is the next most important interest, and may be safely put down at thirty millions annually, fully equal in value to our foreign trade in cotton. Our iron, hemp, and salt manufactures cannot be less than thirty millions more of annual production. Here, then, is an annual production of at least one hundred and thirty millions, which you propose to annihilate, or greatly to diminish. This, it should be remembered, is an annual production, and like so much interest is the measure of the capital employed in this production. Three-fourths of this amount are raw material and subsistence, and the wages of labor. One-half, at least, is agricultural produce, forming the elements of manufactures. Here, then, is a permanent and perpetually increasing market for more than sixty millions worth of mere agricultural produce involved in the preservation of these manufactures. This, we know, is of infinitely more value than all our foreign commerce, in the productions of the northern and western States.

This interest cannot be abandoned. It must be protected. It is of vital importance to the whole Union—to us it is indispensable. Every laborer, every mechanic, every farmer knows this. He knows that if manufactures cannot be sustained, he cannot find employment; if manufactures are not sustained, he cannot find a market for his wool, nor for his surplus provisions; and if he cannot sell them, neither will he produce them. We know that the repeal of the tariff would sacrifice this market, and that it would be immediately seized upon by the French and English, without benefiting our southern neighbors. This we know, and we cannot permit it to be done. The South cannot, in justice, ask that it should be done. They boast of the bounties of Providence they enjoy, the rich staple of cotton in which we cannot participate. But we, too, have our blessings; we, too, have our rich staples, of at least equivalent value. Our climate and soil are adapted to the culture of the finest wool, far superior in value to the cotton of the South. A market for it is as important to us as is a market for cotton to the South. This market must be furnished by manufacturing it here. It would be as absurd for us to import wool or woollen manufactures, as it would be for the South to import the cotton of Brazil instead of producing it themselves. The same may be said of all the elements of this manufacture; they are superabundant, and ruinously cheap; and here we are importing the wheat, the beef, the pork, the vegetables of England, when ours are perishing on our hands. Our minerals, too, are inexhaustible, and the means of converting them into iron, and manufacturing them to our use, are at hand. It may seem an

hyperbole, but, if it be, the honorable gentleman has furnished some precedents of that sort; but we might as well import the soil of Sweden and Russia to manure our wheat fields, as to import their iron to construct the ploughs that till them. According to the cost of production, it is probably somewhat dearer than our wheat; but increased competition is rapidly increasing the production, and the inequality will speedily be removed. One thing may be considered as finally and irrevocably settled; it will never be abandoned; the protection will never be withdrawn. This may be and should be considered the irrevocable, unchangeable policy of the tariff States. There can be no doubt in this matter, for this good, substantial, and very satisfactory reason; the policy is founded upon a clear perception and a full and perfect understanding of the great, permanent, and unchangeable interests of all that portion of the Union whose productions come in competition with foreign productions which we are in the habit of importing. Maryland, and Virginia, and Kentucky, Louisiana, Alabama, and Florida, are bound in perpetual alliance with the tariff States, and committed, by their strongest and dearest interests, to the protecting policy forever.

I have never allowed myself to contemplate the dissolution of the Union as possible. But if the gentleman's views of the interests of the cotton-growing States be correct, it is not only possible but inevitable. It should not only not be opposed and prevented, but it should be immediately negotiated and amicably adjusted. I will not be chargeable with wrong, and oppression, and tyranny, and plunder, and robbery toward any portion of the human family, much less toward any of my countrymen and fellow-citizens. For myself and my constituents, and in behalf of the State which, in part, I represent, I repel the charge of the base intent imputed by the gentleman from South Carolina. We have not, knowingly and designedly, inflicted an injury upon South Carolina. Our constituents have demanded no such sacrifice of honor and principle at our hands. Make good the charge, prove the injury, and they will consent to the secession to-morrow; but they cannot and will not allow the repeal of the tariff. The Union is dear to them; it is consecrated by every feeling of patriotism; it is incorporated in every affection of their nature, and interwoven with every sympathy of the heart. The memory of their fathers reminds them perpetually of the Union; but they cannot, and will not, endure the charge of injustice, oppression, tyranny, robbery, plunder. Go, in the name of God—go in peace—if there be the least semblance of truth in the charge. But there is not. It is the merest fiction of a heated imagination, a perfect delirium of passion, a sublimated delusion of refined, ingenious ends, contradicted by the experience of every age and every nation, and the evidence of every fact. Is South Carolina oppressed? I deny it. Before this nation and the world, I protest it is not true. Where is the proof? It has not been exhibited. It does not exist; it is not in nature. In what does it consist? In the cheapness of cotton? The tariff has not reduced the price, but has contributed to keep it up. The price is controlled by a law beyond the reach of congressional legislation. It is the unchangeable law of trade; the relation between supply and demand. The South have overstocked the markets of the world, and the price has fallen in exact proportion to the excess of supply. The proof to this point is abundant. One fact alone is conclusive. More than half the annual crop remains on hand in the English market at the close of every season. In the whole mass of commercial commodities, there is not a parallel to this excess of supply, and consequent excess of cheapness. Would the repeal of the tariff remedy this? No: it would increase the mischief. The consumption of cotton would be less; for the means of purchase in the northern States would be greatly diminished. Is there any want of cotton in England? No; there is too much there. Any want of cotton manufac-

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tures? No; they are superabundant, and ruinously cheap. Is there any want of cotton or cotton manufactures in the United States? No; they abound in every market, and so cheap that they will not remunerate the cost of the material and manufacture. Now, the evidence of this important fact is presented in every district and village in the United States. It is brought home to every man's door. Every man, woman, and child in the United States, who has had occasion to buy and wear a yard of cotton, and can understand the price, knows the truth of this fact. What then is the complaint? It is not, and cannot be the price of manufactures. Indeed, the gentleman's argument, in effect, admits this. He proposes to raise the price of the raw material equivalent to the reduction of the duty. Of course he does not expect to diminish the price of the manufacture to the consumer. But the consumption cannot be increased, without either diminishing the price or increasing the means of the purchase. But, while the gentleman proposes to augment the means of purchase of two millions, he will greatly diminish those of ten millions. It is manifest that, in the aggregate, he will destroy more value than he will create. How, then, will the gentleman enlarge his market for cotton? I aver it is physically impossible, in any other way than by the obvious and natural increase of the population, wealth, refinement, and civilization of the world. In no other way can he find a market in the wide world for another bale of cotton. The market of the world is open; the commerce of the world, in the article of cotton, is unrestricted; and the markets of the world are literally crammed with cotton and cotton manufactures, and the cheapness of both is a subject of universal complaint and universal admission. Greater cheapness, then, is not desirable, but would be deplorable. Greater consumption is unattainable, but by increasing the number and wealth of the consumers. And how does the gentleman propose to accomplish this? By impoverishing ten millions of people to enrich two; by depriving them of employment and the means of purchase, by annihilating an annual income of more than fourfold the value of all the cotton, rice, and tobacco of the South, and by transferring this income to England and France, and not to the cotton-growing States?

But, however disastrous the depreciation of the value of cotton has been, I do assure the gentleman that it has not yet attained its minimum. The history of the past proves, beyond the power of refutation, that the tariff has had no influence whatever in accelerating this depreciation, nor can any tariff arrest it. The depreciation was more rapid before the tariff of 1824, than it has been at any time since. The mania of 1825, which raised cotton to thirty cents the pound, will not, I presume, be imputed to the tariff. In five years, including 1819 and '23, the export of cotton was actually doubled; but the price of the whole was actually diminished. In 1819, thirty-seven million nine hundred and ninety-seven thousand and forty-five pounds sold for twenty-one million eighty-one thousand seven hundred and sixty-nine dollars; and, in 1823, one hundred and seventy-two million seven hundred and twenty-three thousand two hundred and seventy pounds sold only for twenty million four hundred and forty-five thousand five hundred and twenty dollars, when it should have sold for at least forty-one millions; showing a depreciation of price corresponding precisely with the augmentation of quantity, the universal and inevitable law of trade; furnishing an obvious, full, and satisfactory explanation of all the distress of which South Carolina complains.

In ten years the annual crop of the United States has more than trebled. The annual crop may now be safely estimated at three hundred millions of pounds, but the value is less than thirty millions of dollars. This increase is without a parallel in the history of agriculture; and though its consequences are natural and inevitable, they have by no means been what they would have been, but

for the opportune introduction of manufactures at the North, and the sugar culture at the South. The manufacture of cotton at the North has introduced it into more extensive and general use, and has substituted it for woollens and linens, for household and domestic purposes. The sugar culture of the South has employed probably seventy millions of capital and many thousand slaves, which, but for the tariff, would have been retained in the production of cotton. Both these causes have administered an immense alleviation to the cotton culture, to the amount of at least four hundred thousand bales. But, under the present liberal and efficient protection of thirty to sixty per cent. on sugars, the culture of it at the South is extending so rapidly, that in less than ten years it will exclude the foreign sugars altogether. That interest will then begin to be depressed; the current of capital and labor to that employment will be less rapid, and, in a few years more, it will cease entirely. In the mean time, the culture of cotton will be extended with the increase of population, and the progress of the settlements of Georgia, Mississippi, Alabama, Florida, Louisiana, Missouri, and Arkansas; and, when fully peopled and fully cultivated, these States and territories are abundantly competent to produce cotton enough to supply the consumption of cotton not only for America, but for all Europe. If these States and territories have trebled the product of cotton in the last ten years, what shall prevent their trebling it in the next? Nothing but the depression of the price below the common level of prices. Low as cotton now is, it is still more profitable than any other agriculture, sugar excepted. It is better to grow cotton at six cents the pound, than corn at six cents the bushel; capital and labor will therefore still rush into the production of cotton, and the quantity will be still rapidly augmented, and the price still further depreciated. When we consider that during all this time Mexico and South America will naturally turn their attention to the culture of this valuable staple, there can be no doubt but that the disparity between production and consumption will be still further increased, and the comparative price still further diminished. The gentleman will find that the special blessings of soil and climate, of which he boasts, and for which he thanks nobody but God and nature, are too diffusive to admit of monopoly, or to justify a boast.

What, then, remains for the southern cotton-growing States? The inevitable consequences of an obstinate adherence to their favorite maxims of policy, to the exclusive occupation of agriculture, comparative poverty and decay, a meagre and sparse population, deficient markets and languishing agriculture. These consequences are inevitable and invariable. They never did fail; and they never will fail. A mere agricultural community was never yet a populous and wealthy community. They never will be wealthy and populous. It is morally and physically impossible that they ever should be. The West Indies are apt examples in illustration of my position. Producing the most valuable staples, of which they have enjoyed a monopoly for centuries, in comparison with England and France they are poor, and will ever remain so. Possessing a monopoly of five invaluable agricultural staples, cotton, rice, tobacco, indigo, and sugar, our southern brethren complain of overwhelming poverty and distress. I doubted not the reality of their distress. Their resources have sustained an immense and irreparable diminution. In their prosperity, they graduated their expenditures by the scale of their income; they contracted habits, which imperiously demanded continued indulgence; they have been indulged to the full extent of their means, and nothing was accumulated to meet the exigencies of a reverse of fortune, the reverse came like a remorseless and overwhelming flood, and intense suffering ensued. The gentleman's picture of distress, I have no doubt, has a melancholy original. I have myself witnessed the reality in another section of the Union, from the operation of similar causes. Time was

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when we could command two dollars per bushel for wheat, for every bushel the soil and labor of the country could produce, and every other agricultural production bore a corresponding price. But did our farmers grow wealthy? did they accumulate capital? No! They lived out the whole, and fearlessly and improvidently ran into debt: and poverty came upon them, and brought on a train of numerous miseries and distresses. The obvious cause, in both cases, was and is an inadequate market, the privation of accustomed markets to the North, and the consequent diminution of accustomed prices. What is the remedy? There is but one, in nature. Multiply your occupations, diversify the application of labor and capital, so that all your expenditures and disbursements may serve to reward, stimulate, and enrich productions. Like the skilful agriculturist, who returns to the earth as much as he draws from it, and preserves its fertility by liberal and repeated manurings, your expenditures must be bestowed upon those who supply the means, or you will assuredly exhaust those means. The gentleman has spoken of the importance and the value of the expenditure of public money. In my own opinion, he has not greatly overrated its importance. But why did not the gentleman reflect that the expenditure of private capital, or the disbursement of individual wealth, was fully equivalent to the same amount of public money? Suppose the sixty millions now annually expended on foreign productions as the reward and stimulus of foreign capital and labor, converted into cash, and expended upon our own labor and capital in the purchase of our own productions and manufactures, it would be equivalent to the disbursement of so many millions of public money, and the consequences would be immeasurable and inestimable. This stimulus would be felt in every vein and artery of this mighty republic. All varieties and grades and capacities of labor would find full employment and ample reward. Consumption would be abundantly supplied and fully satisfied; and, while labor would be liberally rewarded, capital would be accumulated. Our southern neighbors must, therefore, as the only possible remedy for the evils of which they complain, manufacture their own cotton as well as produce it; apply some of their capital and labor to the manufacturing, and not all to the growing of cotton. Take your share of the monopoly which you allege that the tariff has secured to the northern capitalist. It is certainly as accessible to you as to him. Your advantages are as great, if not greater. You have the material on the spot, the labor at command, subsistence abundant and cheap, too cheap, water power and steam power; and skill and experience you must acquire, or you will never have it, and you can as well acquire it now as ever. And what hinders the adoption and enjoyment of the tariff policy, instead of this eternal and fanatic war against it? Nothing but your opinions, your abstract theories, and obstinate prejudices. Change your opinions, and change your pursuits, and barter your impoverishing theories for useful and substantial manufactures. This is your remedy, and your only remedy.

But England will not buy our cotton, unless we receive her manufactures in payment. We shall lose the market of England and France—the market of Europe for our cotton. We must not manufacture cotton or any thing else if we expect Europe to purchase our raw cotton. We are charged with seeking to destroy our commerce, especially the commerce of the South. This charge is urged with a seriousness, and gravity, and earnestness, that leave no doubt of the sincerity of the melancholy forebodings of those who prefer it. But why has it not occurred to those gentlemen that these forebodings have been discredited by uniform experience? This charge is founded upon their theory, unsupported by one fact, and is as baseless as the theory itself. It is the old argument again repeated, to be again refuted. It was urged in 1824, repeated in 1828, and now again in 1830; and during these six years the export of cotton has actually been doubled, or nearly so.

The theory is, we must buy or we cannot sell. The practice is, to buy what we desire, and what will be profitable to us, with such means as we can command, from whatever source they may be derived. So the northern States, of whom the English and French will buy comparatively nothing which they can directly produce, procure, as best they may, the cotton of the South, and the specie of Mexico and Peru, and, with these means, purchase the manufactures of England and France. We purchase also the teas, silks, and nankins of China. We shall continue to purchase them as long as we have the means. But does China buy our cotton, or any single agricultural production of the country? Not one. We purchase principally with specie or bullion. Then there is a practical refutation of the theory. The theory, then, is good for nothing. It is not true in practice, in the sense in which it is set forth. The interests and the wants of Europe constitute the market for our cotton. Those wants and interests will continue precisely the same after we have prohibited their manufactures, as they now are. The one cannot be satisfied, nor the other promoted, without our cotton. They must have our cotton; their interests and necessities demand our cotton, and will continue to demand it to the extent of their own consumption, and their ability to supply the consumption of others forever; for Europe cannot produce cotton. A man might live as long after severing the femoral artery, as England could prosper after excluding our cotton. They will always, therefore, buy our cotton so long as they can buy it of us cheaper and better than anywhere else, and as long as they have the means. And need we trouble ourselves about the means of England and France of the purchase of our cotton, when we know and feel the great difficulty to be to procure the means to purchase their manufactures—when we know that their comparative wealth is much greater than their comparative population?

The gentleman says England has no specie—how can she buy our cotton unless we receive her manufactures? England has no specie! And yet he admits that we have sent to England and France seven millions of bullion and specie annually for many years past; probably ten years past—seventy millions in ten years! But, while they have been drawing specie from us at this rate, notwithstanding our large export of cotton, &c. they have absorbed all the gold and silver of South America—all of Spain and Portugal. What has become of it? That portion of Europe which may be considered the natural and permanent market for the cotton of the South, contains at this moment more of the precious metals than all the world beside. And they are still rapidly accumulating it—still absorbing it, and sucking it up like a sponge from all the world beside. And do gentlemen seriously believe that the loss of a market of sixty millions worth of manufactures in the United States would seriously influence the wealth and prosperity of Europe, so as to deprive them of the means of purchasing forty millions annually of our cotton, rice, and tobacco? Admit that it would transfer some portion of their capital and wealth to the United States, it is what they can very well spare, and what we very much need—and it will consume as much cotton here as it can there.

It is undoubtedly true that, of all the nations of the earth, we enjoy the greatest number of advantages for ensuring a favorable balance of trade, and accumulating wealth and capital; but, in proportion to our population and advantages, we have probably accumulated less capital than any enterprising, industrious nation. In any aspect of the subject, the apprehension of the loss of our commerce with Europe, in cotton, rice, and tobacco, is wholly ideal and imaginary. They could not dispense with our cotton, even should we entirely prohibit their manufactures. Europe could not consume any less cotton, and the United States would consume more. Every additional cotton factory in the United States may be justly considered a new cotton

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market, and furnishes to all its dependents and connexions the means of purchasing and consuming its fabrics. The best illustration of my position would be for every gentleman to imagine a factory erected in his own neighborhood, capable of employing five hundred or a thousand persons, men, women, and children. Every member of this House could collect that number of poor destitute persons, who could in this way acquire the means of a comfortable subsistence, and who are now wholly unoccupied, or nearly so. Take the city of Washington: I aver, what I verily believe, and what I think no one will deny, that there are more than a thousand persons of this description in this city, who would be glad to find employment and earn their subsistence in such an establishment, and who, if they could command the means that this employment would give them, would wear out fourfold the quantity of cotton manufactures they now do. This, to a certain extent, has already been accomplished, as all know, where manufactures have been established. It is capable of vastly greater extension and diffusion.

The gentleman has indulged in a long and violent invective against monopolists, in all which I most heartily concur, except its application. But what is a monopoly? An exclusive privilege—a right secured to an individual, from the enjoyment of which all others are excluded. Is the term applicable to any condition of things in our country? Certainly not to any sort of manufactures. Is the gentleman restrained from manufacturing? Are any of his constituents, except by an estimate of their own interests? Not one. In a population of twelve millions of people, there is the most unlimited, unrestricted freedom of pursuit and competition. Unlimited freedom of competition, I had always thought directly the reverse of monopoly. And yet the gentleman has applied this term monopolist to the northern manufacturer, and at the same time boasted of the manufacturing capacities of his own State; the materials, minerals, soil, abundance and cheapness of provisions, and unbounded water power. And why do they not avail themselves of these advantages? Simply because they do not choose to do so—and because they think their present occupation more profitable. And yet the gentleman talks of monopolies, with the same sincerity and earnestness with which he complains of the extravagant duty on the exportation of cotton. It is manifestly an abuse of language calculated to deceive himself, and inflame the ignorant. There is certainly no manufacturing monopoly in this country, nor any thing bearing the remotest resemblance to one.

But there is another aspect of this subject, which the gentleman has presented in the most odious and repulsive colors. He has represented the South as the tributary colonies of the North. They are not only colonies, but tributaries—a condition far worse than that from which this country emerged by the war of the revolution. It is a legitimate deduction from his argument. We compel them to pay a tax of sixteen millions upon cotton, and then expend it, in the form of bounties, upon the northern monopolist. The southern democracy is made tributary to the northern aristocracy. The condition is degrading, debasing, intolerable, and ought not to be endured. It cannot be endured. This error is the more dangerous, in as much as it is addressed to the pride, honor, self-respect, and every worthy and elevated principle of our natures, and outrages them all. Coming, too, from such high authority, it will be received on the credit of that authority, and will be, if it be not already, received on trust, as a maxim not to be questioned, but to be acted on. It behooves the public man who avails himself of his official station, to give weight and currency to such opinions and declarations, to know for certainty that they are true, or he incurs a degree of criminality, little short of treason. Whoever proclaims to one portion of his fellow-citizens that the established policy of his Government renders

them tributary to another portion, assumes the responsibility of declaring that their condition must be changed, by changing their policy, or by changing their political relations, in other words, by dissolving the Union, for all will allow that such a condition is intolerable to free men, and ought not to be endured. No one will pretend, for one moment, that this inequality is supportable, or that it can, by any possibility, be continued. It ought not to be endured. It is stated, to make it apparent, and to make it felt, that it ought not to be endured. It is urged to effect a change, or to stimulate resistance, because it is admitted that it cannot be submitted to, and ought not to be submitted to. What is the inference? Is not the man who assumes this responsibility bound to know that the position which he has taken is a tenable one? Is he not bound to be right? Is he not bound to make good the charge of imposing tribute? to prove it by argument incontrovertible; and by facts which are indisputable?

Let us examine the gentleman's positions for a short time. If I have not greatly deceived myself, the gentleman's fortress may be demolished by his own battery.

In the course of his remarks, the gentleman took occasion to refer to some out-door conversation, in which a gentleman from New York undertook to predict that in ten years we should cease to import woollen, cotton, iron, hemp, or linen manufactures, or any of the materials of which they are composed. Without waiting to discuss the probable truth of this prediction, and protesting at the same time against the injurious consequences which the gentleman attempted to deduce from its fulfilment, I presume that the gentleman will admit that the verification of that prediction would not alleviate the burden of the southern tribute. If they pay tribute now, they would pay tribute then; and he would probably intend that the tribute would be augmented, although I do not anticipate any perceptible advance in the price of manufactures; on the contrary, I think it would be diminished. But, for the sake of the argument, suppose the prediction fulfilled. In the course of ten years, a rigid enforcement of our present tariff works; a prohibition of the importation of the manufactures and materials in question; and the South, continuing to prefer their present occupation of cotton planting alone, should be constrained to receive in exchange for their cotton the manufactures of the North, to the same extent in which they now receive those of England, that is, all they desire or can afford to consume: let us see who would have the advantage in exchange, then—who, then, would be the tributaries. It will be admitted, I suppose, that when the products of a given quantity of labor and capital can be exchanged for the products of the same quantity of labor and capital, the exchange is equal. If equality be attainable, this would accomplish it. If there be such a thing as equality in our commercial intercourse and political relations, this would be equality. There would be no tribute on either side when this equality was achieved. Now, sir, measured by this rule, where are products the dearest now—where would they be dearest then? The price of the products of the manufacturing industry of the North is measured by the price of capital and labor there. It is so now—it would be so then. The same rule holds true of the South, and will continue to hold true. Now, what are the facts? Every thing is dearer at the South than at the North, measured by the only standard by which values can be compared. What is the proof? It is furnished by the comparative price of naval and army supplies; of governmental contracts for the transportation of the mail; by the price of bread and subsistence generally; by this strong fact, which, as I have been assured by southern gentlemen themselves, is a common occurrence, that a Georgia cotton planter has procured the buildings on his plantation constructed of the timber, brick, and lime of the State of Maine, built by the mechanics of Maine, and fed on the provisions of Maine. Who construct the public works of

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the South? Who, at this moment, having finished their own, are digging the canals and building the railroads of the South? These facts are worth a volume of argument. They stand by their own strength; and not only defend themselves, but the whole North, from the preposterous charge of imposing tribute upon the South, and prove who, if any, are the tributaries, and who, from the very composition of southern population, must ever remain tributaries. I need not inform gentlemen that free labor would render cotton more abundant and still cheaper at the South. Cheap as it is, it is not so cheap as northern manufactures now are, and not so cheap as it will become when northern labor shall be more extensively employed in its production. Cheap as it is, it is not so cheap as other products of the South, sugar excepted: it is not so cheap as corn, or any thing subsisted upon it or made by it. The proof is, that all these products are equally the fruit of the capital and labor of the South, and they still find the cotton culture the most profitable, and, therefore, are still rushing into it. Is it not manifest that the gentleman has raised the cry of tribute—tribute—as the thief joins in the hue and cry to evade pursuit and avoid suspicion? Is it the payment of tribute which has aroused the gentleman's indignation? or is it the loss of tribute which has alarmed his fears? If to this it should be answered that the commerce in cotton is an absolute, infeasible, unconditional, underived, and independent right—it is admitted. And so is our market for wool, for iron, for hemp, and whatever else we can produce. Its comparative value has already been stated. And this is the great contest after all—the enlargement of our market. This is what the cotton planter desires—an enlarged market. We do not seek to restrict his market, we only desire to retain our own. He demands of us to substitute his cotton for our wool and woollens—for our hemp, and flax, and iron—for every thing we produce and manufacture; or, which is the same thing, to buy all these various commodities with his cotton. "Buy foreign manufactures, that I may sell more cotton." And because we say we have not the means, we cannot afford it—we must live on our own resources—gentlemen cry out tribute, tyranny, oppression, injustice, plunder, robbery—when they themselves are the tyrants and oppressors, if there be any in this country. It thus appears how utterly baseless, and imaginary, and fictitious are all these menacing and boisterous complaints from South Carolina. Let the gentlemen who have stimulated them, and fomented and inflamed them, take care that they do not kindle a fire which they would be glad to extinguish, when it has become too intense to be subdued. Nothing is so ungovernable as infuriated ignorance; and nothing is more readily credited by it than the story of fictitious and ideal wrongs.

Mr. McDUFFIE then took the floor, for the purpose of replying to those who had opposed his amendment; but it being nearly six o'clock, he moved that the committee rise. The committee rose accordingly.

TUESDAY, MAY 11, 1830.

NAVIGATION AND IMPOSTS.

The House resumed the consideration of the bill reported by Mr. CAMBRELENG, concerning navigation, &c. Mr. STRONG continued the remarks which he commenced yesterday, until the expiration of the hour, without having concluded.

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The House again resolved itself into a Committee of the Whole, Mr. POLK in the chair, and took up the bill to amend the act in alteration of the several acts laying duties on imports, the question being on the amendment of Mr. McDUFFIE, proposing a gradual repeal of the acts of 1828 and 1824, laying duties on imports.

Mr. McDUFFIE said, he indulged a hope, that when the very great importance of the question before the com-

mittee, and its vital connexion with the rights and interests of the southern States, were duly considered, no apology would be deemed necessary, on his part, for trespassing again upon that patient and indulgent attention, for which he was already under so many obligations to the committee. So far as I am concerned, [said Mr. McD.] what I am now about to utter will be the last appeal of an injured and oppressed people to the reason and justice of their oppressors. For if, as I too confidently anticipate, the majority of this House shall now refuse to mitigate the heavy and unrighteous burdens of which we complain, by even a moderate relaxation of this system of taxation, confiscation, and prohibition, I have fixed my determination that, do what you may on this subject, I will never raise the voice of impotent remonstrance in this Hall, vainly urging a plea of reason and justice before an interested tribunal, into the deliberations of which neither reason nor justice can ever enter.

In the opening argument, by which I attempted to sustain the amendment I had offered, I laid down certain practical propositions in political economy, intended to explain the real operation of indirect taxes, and demonstrate the extent and enormity of the burdens by which the southern people are oppressed. I submitted these propositions to the reason and judgment of the gentlemen on the other side of the question, inviting the most severe and rigid scrutiny, and having no other object in view than the development of truth. And I sincerely declare, that nothing would have afforded me more gratification than to have been convinced that my opinions were erroneous, and that my constituents had no just ground to complain of the unequal and oppressive burdens imposed upon them by Congress. But, sir, I regret to find that the propositions which were offered in this spirit, have not been met with a corresponding temper, nor answered in a tone and manner at all appropriate to the gravity of the subject or the solemnity of the occasion. I put it to the candor of gentlemen, and their sense of decorum, whether it becomes the dignity, even of an interested majority, to add insult to injury, by telling the representative of those who still claim a title, at least, to the forms of freedom, that he is himself a "maniac," and his reasoning madness. Such, sir, is the imputation, conveyed in no equivocal language, which the member from Rhode Island [Mr. BURGESS] has thought it decorous to apply to the representative of an enlightened people, when urging their complaints before their "very worthy and approved good masters;" and to an argument which, I must be permitted to say, he was neither capable of comprehending nor answering. Madness! No, sir, "it is not madness that I have uttered." "For love of grace, lay not the flattering unction to your soul, that not your trespass, but my madness speaks." "Bring me to the test, and I the matter will re-word, and prove which madness would gambol from." And now, sir, I will proceed to notice, as briefly as I may, the prominent arguments urged by several gentlemen, to show the fallacy of my propositions; and if I do not labor under some strange hallucination, I will satisfy every impartial man that "I speak forth the words of truth and soberness."

I cannot but remark, at the outset, that the gentlemen opposed to the amendment have carried on the controversy with great dexterity and skill. Cautiously, and no doubt prudently, avoiding the main body of the argument, they have hung upon its outskirts, and seized upon straggling phrases and detached propositions, which they have run out by misapplication and perversion to some palpable absurdity, and then triumphantly refuted it. I feel strongly confirmed in the truth of the propositions I have advanced, by the entire failure of gentlemen of such distinguished ability as those from Massachusetts, who have addressed the committee, to meet and refute them. The leading proposition which I laid down, affirmed that a

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duty of forty per cent. upon the amount of the exports of cotton, tobacco, and rice, might be safely assumed as the measure of the burdens imposed upon the planting States by this Government, taking into view the entire operation of the impost duties and public disbursements.

I intentionally placed the duty at a point considerably lower than the average of the duties upon imports, to make allowance for the increased value of the imports beyond that of the exports. And now, sir, after hearing and attentively considering all the arguments that have been urged against my estimate of the burdens of the southern States, I am fully satisfied that so far from being extravagant, it does not come up to the reality.

I contended that impost duties, being indirect taxes laid upon production, could not, in the nature of things, be ultimately and exclusively thrown upon consumption; and that, in the actual state of the productive industry of the southern States, and the foreign commerce of which it is the basis, at least one-half of the burden of the impost duties laid upon the exchanges of that industry was sustained by the planters, as producers, in addition to the burden they sustained, in common with other classes, as consumers. With a view to simplify the argument, I stated that a duty on the import of a foreign manufacture was precisely equivalent, as it regards the southern planters, to a corresponding duty upon the export given in exchange for that manufacture.

And now, sir, have these propositions been met? The gentleman from Massachusetts [Mr. GORHAM] denies the equivalency of import and export duties, upon the solitary ground that the planter is under no legal compulsion to import manufactures subject to high duties, in exchange for his staples; but may import specie free of duty. I confess, sir, I was astonished to find a gentleman of so much intelligence and acuteness, picking up and endorsing one of the most absurd of all the relics of the old mercantile system. Specie has scarcely any use, but as the mere representative of value. In this respect, it stands precisely upon the footing of a foreign bill of exchange; and it would be just as reasonable to suppose that a commerce could be carried on between two nations, founded on the exchange of cotton for those foreign bills, as suggested by one gentleman, as upon the exchange of cotton for specie.

In a mere individual transaction, it may be very advantageous for a planter or merchant to receive a bill of exchange for cotton, tobacco, or rice. But does not every man know, who knows any thing about the nature of trade, that this bill of exchange must be the representative of foreign merchandise actually sold in this country? A greater absurdity cannot be suggested, than the notion of making bills of exchange articles of commerce between nations, to be set down at the custom-house as part of the national imports; and yet it is very little greater than that of supposing specie can become a valuable article of commerce between the manufacturing nations of Europe and the staple-growing States of this Union. It is true that specie has an intrinsic value, in use, which creates a demand for it to a limited extent, for the general purpose of consumption, independent of the demand for it as a circulating medium. To a certain extent it is an article of commerce; but, in this view, it has no advantage over any other article of commerce. To tell the cotton or tobacco planter, therefore, that a tax imposed upon the return cargo which he receives for his staples, is not equal to a tax upon the export of those staples themselves, because he may obtain specie for them, and import it free of duty, is the same thing in principle, as to tell him he may avoid the duty upon cotton and woollen fabrics, by importing South American skins and dye stuffs and other articles, not subject to duties, in exchange for his staples! It would be just as convenient for Great Britain to pay for our staples in these latter articles, as in specie, and there would be very nearly as great a demand for them in the United States.

But, sir, even if the argument of the gentleman were true in principle—if we admit, to the fullest extent, the power of the planter to import specie in exchange for his productions, and to dispose of it, it does not touch the question at issue. In point of fact, the planter does not import specie in exchange for his productions, but he imports cotton and woollen and other manufactures subject to high rates of duty. This conclusively demonstrates that the option of importing specie is to the planter a barren privilege of which he cannot avail himself, to avoid paying the duties on foreign manufactures. If it were not, he certainly would exercise it. In fact, the cotton planter is virtually placed under the same necessity to import the manufactures you are so anxious to exclude, as if the laws imposing duties on those manufactures had contained a provision that no other foreign production should be imported in exchange for the staples of the planting States. A moral necessity, growing out of the apparent fact that no other foreign articles can be imported as advantageously as manufactures charged with high duties, is, to all intents and purposes, equal to a legal compulsion to import them so long as that moral necessity exists. It has existed ever since the commencement of the system of the prohibitory duties, as is conclusively shown by the fact that the annual amount of the manufactures in question, imported from the countries to which we export our staples, almost exactly corresponds with the amount of those staples exported; while it has been a subject of constant complaint with the advocates of prohibitory duties, that our market is drained by those countries of the specie which it draws from others.

The question is therefore reduced to this simple issue: Is not a duty imposed upon the manufactures which the planter actually does receive in exchange for his agricultural productions, and which are the only foreign articles his interest will permit him to import, precisely as burdensome to the planter, as the same amount of duty levied upon the export of his cotton, tobacco, or rice? Stript of all complication and ambiguity, this seems to me too plain a question to be gravely argued. The gentleman from Massachusetts [Mr. GORHAM] fairly and distinctly admitted—that his clearness and pride of intellect would not permit him to deny—that the planter could not relieve himself from any part of an export duty imposed upon cotton, because that staple has to contend in foreign markets against the competition of the whole world. Now, sir, this concession is a virtual abandonment of the whole controversy. For if the cotton planter cannot relieve himself from the burden of an export duty, neither can he relieve himself from that of an import duty, which is, in all respects, equivalent to it. He has precisely the same means of relieving himself from the former that he has for relieving himself from the latter, and that is, by limiting the production of cotton. Almost every gentleman who has engaged in this debate, has admitted that the demand and supply of any article regulate its price. At any given point of time, these are the sole and exclusive causes that regulate prices. The cost of production, which, in the long run, undoubtedly controls and regulates the price of every article produced by human labor, operates in no other way than by changing the quantity produced, and consequently the relation between the supply and the demand. While these remain unaltered, no increase in the cost of production will produce any enhancement of price whatever. Now, a tax or duty imposed upon any article is analogous in its operation to a sudden and general impoverishment of soil, which of course would increase the cost of production. The tax, indeed, is for the producer the worst of the two evils; because it does not, in the first instance, diminish the quantity produced, while it necessarily increases the cost of production to the full amount of the burden it imposes. The consequence is, that the whole burden of the tax must

fall upon the producer, until he can withdraw his capital and labor, and thereby diminish the production of the taxed article. Such is the operation of impost duties upon the cotton planter. On the contrary, a general improvement of all the soils that are devoted to the production of cotton, would, in the first instance, diminish the quantity produced, cause an enhancement of the price, and consequently throw the most of the burden upon the consumer. An annual blight, therefore, which should destroy two-fifths of the crops of the cotton planters, would be much less injurious to them, than a duty of forty per cent. upon the exchange of their productions. And yet it is argued, with solemn gravity, that this duty imposes no tax upon the planters, which does not equally extend to all other classes of the community!

The gentleman from Massachusetts, who first addressed the committee, [Mr. DAVIS] has entirely misapprehended the argument I used, and the effect of the proposition I laid down, as to the operation of an impost duty on the price of cotton. I did not say that such a duty diminished the price of cotton in the foreign markets. On the contrary, I expressly and distinctly stated, as the basis of my whole argument, that no change was produced in those markets, either in the price of cotton, or of the manufactures we receive in exchange for it. The very essence of my complaint was, that the planter was compelled to pay the Government forty per cent. upon the amount of his exchange, and yet could not obtain any more for his cotton, nor purchase foreign manufactures any cheaper, in consequence of the tax imposed upon him. In other words, he receives no larger quantity of manufactures for a given quantity of cotton, than he would receive if no duty were imposed, and yet he is not permitted to bring those manufactures into the United States until he pays the duty. The result necessarily follows, that the whole burden of the duty must fall upon the planter, unless he can transfer a part of it to the domestic consumer, by enhancing the price of the foreign manufacture in the home market. This, however, can only be done by diminishing the aggregate quantity of foreign and domestic manufactures in that market. But the very object and evident tendency of prohibitory duties is to supply the home market with a quantity of domestic manufactures, very nearly equal to the foreign manufactures excluded. The supply, therefore, is not diminished to any great extent, nor is the demand increased by these duties; and consequently the price of the foreign manufacture cannot be enhanced in the domestic market, in proportion to the impost duty, any more than the price of cotton would be enhanced in the foreign market, in consequence of an export duty.

It will be recollected that one of the gentlemen from Massachusetts [Mr. GORHAM] admitted that an import duty was equivalent to an export duty, and operated as a tax upon the producer, where the articles which were subject to the import duty came in competition with similar articles upon which no duties were imposed in the home market. Now, sir, this is precisely the case under consideration. The foreign manufactures upon which duties of forty-five per cent. are paid by the planters, came in competition with domestic manufactures upon which no duties at all are imposed.

Indeed, sir, another gentleman from Massachusetts [Mr. DAVIS] made an admission, into which I presume he was inadvertently betrayed, as I cannot suppose he would have made a disclosure so fatal to his argument, if he had duly considered its bearings and consequences. He stated, and correctly stated, that the southern planters and northern manufacturers were contending for the domestic market of the United States; that the object of the southern planters in contending for free trade, was to be admitted, with the productions purchased by their own industry, into that market; and the object in the northern manufacturers, in contending for high duties and restrictions, was to exclude

from it the southern planters, with their imported manufactures. This, sir, is the true issue now pending between the northern and southern States, and I thank the gentleman from Massachusetts for his unintentional exposure of the real object of the prohibitory system. It will now be apparent to every intelligent mind, that the duties levied on the exchanges of the southern planters are taxes upon them as producers, independent of their consumption. It is not denied that the planter is taxed to the extent that he consumes the productions of foreign countries subject to import duties. I will, therefore, confine myself for the present to the consideration of that portion of the imports obtained in exchange for cotton, tobacco, and rice, which consist of foreign manufactures brought into the United States, not for the purpose of being consumed by the planting States, but for the purpose of supplying the demand of the States for those articles. Let us suppose, for the sake of illustration, that South Carolina consumes only one-half of the eight millions worth of foreign manufactures annually imported in exchange for her staples, and that the other half is brought into the country, to be carried into the markets of the western and middle States, and offered for sale in competition with the manufactures of Massachusetts. What, sir, would be the nature of this competition, and upon what footing would it stand as affected by the legislation of Congress?

Will it be denied that the foreign manufactures, imported in exchange for the agricultural staples of South Carolina, are as truly the productions of her industry, as if her own citizens had turned the spindle and thrown the shuttle by which they were fabricated? Amidst all the extravagance and absurdity by which the prohibitory system has been sustained, I presume no one can be found bold enough to make the denial.

What, then, is the footing upon which the citizens of South Carolina and the citizens of Massachusetts come in competition with the respective productions of their industry, in the markets of Kentucky and Ohio, of New York and Pennsylvania? Is it a footing of equality? On the contrary, is there not a discriminating duty of forty-five per cent. and upwards, unjustly imposed upon the productions of South Carolina, for the sole purpose of excluding them from the markets in question, while an indirect bounty to the same extent is given to the productions of Massachusetts, for the sole purpose of giving them the command of those markets? There is no possible aspect in which this system of restrictions could be presented, so well calculated to exhibit its abominable and iniquitous injustice.

If a duty of forty-five per cent. were imposed upon the importation of the productions of South Carolina into all the other States, the outrage would shock the moral sense of every man in the nation: yet this would be doing nothing more, in point of principle, and much less in point of fact, than what has been actually done already. What I have said of South Carolina, is equally true of all the planting States.

Suppose for a moment that the manufactures obtained in exchange for the productions of southern industry, were imported for the purpose of supplying Mexico or South America, and that no drawback should be allowed upon exporting them to those countries. Could any one doubt, in this case, that the impost duties would operate as taxes upon the planters as producers, and not upon the consumers? And yet it is, to all intents and purposes, the same thing to the planters to be compelled to pay duties on the manufactures they import, for the purpose of supplying Kentucky and Ohio, as it would be, to be compelled to pay the same duties on the manufactures imported, for the purpose of supplying Mexico or South America.

I do solemnly believe that there never was a branch of national industry so oppressed and borne down by unjust taxes and restrictions, as the agriculture of the planting States; and I beg the committee to notice the complicated

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weight of discriminating duties, imposed, too, by our own Government, with which it has to contend, both in the foreign and domestic market. Let us take cotton as an example.

In the first place, it has to seek a foreign market, where it meets in competition the cotton of Brazil and Egypt, produced by the richest soils, and that of the East Indies, produced by the cheapest labor upon the face of the earth. In the second place, it has to contend against a discriminating duty of at least thirty per cent. in favor of the cotton of Brazil, and of at least forty-five per cent. in favor of the cotton of the East Indies and Egypt. The planters of Brazil, East India, and Egypt, receive the same quantity of British manufactures for a given quantity and quality of cotton, as the American planter; but the Brazilian only pays a duty of fifteen per cent. on those manufactures, and the Egyptian and East India planters pay no duty at all, while the American planter pays at least forty-five per cent. It cannot be doubted, therefore, that the American planter has to contend, in foreign markets, not only against the fertile soil and cheap labor of the other cotton-growing regions of the world, but against a discriminating duty equal to the difference between the duties imposed by the tariff of the United States, and by those of Brazil, the East Indies, and Egypt, respectively, upon European manufactures. He does not ask Congress to give him any bounty or protection, to enable him to meet foreign competition in foreign markets; all he asks is, that his own Government may not send him abroad to meet this competition not only unbountied and unprotected, but with a discriminating duty of from thirty to forty-five per cent. against his cotton, and in favor of that of other countries! Yet even this humble exemption—an exemption which he claims upon the most common principles of natural and political justice, he cannot obtain from a Government which claims the sacred title of a paternal and protecting Government! But his difficulties do not end here. When he returns to his own country with the manufactures obtained in exchange for his cotton, he is destined to encounter a competition even more unequal than that which he encountered abroad. He has to hold competition with the northern manufacturer, with a clear discriminating duty of forty-five per cent. against himself, and in favor of the manufacturer, in addition to the duties levied in foreign countries upon his cotton, and the expenses of importing the manufactures received in exchange for it. Wherever he goes, at home or abroad, he finds himself pressed down by the heavy hand of his own Government. While the Government is subjecting the planters of cotton, tobacco, and rice, to the burdens of this twofold operation of discriminating duties, it is worth while to inquire how its legislation operates upon the other branches of domestic industry.

Sir, there is scarcely a single branch of industry belonging to northern or to middle States, that is not protected, even in the enjoyment of the home market, by an average discriminating duty of forty-five per cent.—a duty professedly imposed upon the productions of southern industry and enterprise, with a view to their exclusion, and the substitution of the productions of northern industry. Yes, while the cotton, and rice, and tobacco planters are doomed to sustain all the difficulties and obstacles arising from the competition of the whole world in foreign markets, under the weight of an enormous discriminating duty imposed by their own Government, the cotton and woollen manufacturer, the wool growers, the iron masters, the salt makers, and sugar planters, not satisfied with the natural protection resulting from the distance of the competitors, are secured in the monopoly of the domestic market by the additional protection of forty-five per cent, unjustly bestowed upon them by a despotic majority, at the expense of those very planters! If there is one spark of justice left in the breasts of that majority, it will acknowledge the flagrant outrage of such a discrimination between the

different parts of the Union, and the different branches of productive industry.

The committee cannot but now perceive that whether the planting States of the South import manufactures for the consumption of their own citizens, or for the purpose of carrying them into the markets of other States, to be sold in competition with northern manufactures, the import duties, in either case, operate as taxes upon the planting States, though not precisely to the same extent. In the one case, they operate as taxes upon consumption; in the other, as discriminating transit duties, which the planters are compelled to pay for the privilege of vending the productions of their lawful industry in the markets of their own country, when they come in competition with productions of other States, which are not only free from taxation, but nourished by Government bounties.

I will now proceed to illustrate the tendency of discriminating duties to change the course of trade, and hence demonstrate the practical injury inflicted upon the staple-growing States by your impost system.

A few years ago, a discrimination of five per cent. was made between the duties imposed upon silks imported from beyond the Cape of Good Hope, and those imported from Europe; and already has the amount of silks imported from France been almost doubled, while the amount of those imported from China has fallen off in a corresponding degree.

It is said by practical merchants, that a discrimination of five per cent. in favor of foreigners, effected by evasions of the revenue laws, is sufficient to throw into their hands almost the whole business of importation, to the exclusion of the American importers. If these small discriminations can change the course of trade to so great an extent, what must be the effect of a discrimination of from thirty to forty-five per cent. against the American planters in foreign markets, and of forty-five per cent. in the domestic market? The most satisfactory mode of ascertaining the burden imposed by these discriminations, is to consider the effect which would result from a repeal of them. What then would be the effect resulting from that repeal? We have been very gravely told by the gentleman from Massachusetts [Mr. Davis] that it would raise the price of manufactures, and depress the price of cotton in the United States! An audience that can believe this, would believe in any of the miracles of the dark ages. The repeal of our impost duties, on the contrary, would, in the first place, enable the American cotton planters to drive all their competitors out of the markets of Europe. If the planters of Brazil, the East Indies, and Egypt, can barely maintain the competition, with discriminating duties of from thirty to forty-five per cent. in their favor, they could not maintain it for a single year upon a footing of perfect equality. The consequence would be an increased demand for our cotton in Europe, to the extent of at least three hundred thousand bales. For it is to be remarked that the increased demand would result, not only from the exclusion of the Brazilian, East India, and Egyptian cotton from the markets of Europe, but from the increased consumption of cotton in those markets. There is no assignable limit to the quantity of cotton that would be consumed in Europe, if we would receive manufactures freely in exchange for it. Now, sir, upon the conceded principle, that supply and demand regulate the price of every article, it would puzzle the gentleman from Massachusetts to show that an increased demand for American cotton, to the extent of three hundred thousand bales, would diminish the price. In fact, the real price of American cotton would be increased very nearly as many per cent. as the duties on foreign manufactures were diminished. So that the American cotton planter would have an increased demand for his staple, amounting to three hundred thousand bales, and would obtain an increased price of little less than forty-five per cent., not only for those three hun-

dred thousand bales, but for the whole amount of his production. Such, sir, would be the effect upon the foreign demand for American cotton, produced by the repeal of your unjust restrictions—restrictions which have all the injurious effects upon the American cotton planter which would result from the imposition, by Great Britain, France, and Holland, of a discriminating duty of from thirty to forty-five per cent. on American cotton, beyond what they imposed on the cotton of Brazil, Egypt, and the East Indies.

It remains to be ascertained what would be the effect produced upon the operations of trade in the domestic market of the United States, by the repeal of the high duties imposed upon foreign manufactures, and which really operate, and are designed to operate, as discriminating duties against the southern planters, and in favor of the northern manufacturers. The repeal of those duties, or a considerable reduction of them, would enable the southern planters to drive the northern manufacturers out of the markets of the United States, as certainly and to as great an extent as it would enable them to drive the planters of Brazil, Egypt, and the East Indies out of the markets of Europe. This is apparent from the single consideration, that, with protecting or discriminating duties of forty-five per cent., the northern manufacturers can scarcely maintain the competition with the southern planters, in supplying the demand of the United States for such manufactures as those planters obtain in exchange for their agricultural staples. If those were repealed, or even reduced to twenty per cent., it is obvious that the manufactures of the northern States would be supplanted by those which are obtained in exchange for the productions of the southern States, to an extent fully equal to the increased demand for our cotton in Europe. For it cannot be doubted that the aggregate consumption of manufactures would be very greatly increased in the United States; so that the southern planters would have an increased demand for the manufactures purchased with their productions, not only in consequence of underselling and supplanting northern manufactures, but in consequence of the increased consumption of manufactures generally.

If, then—as no one, I presume, will question—the benefits which would result to the southern planters from the repeal or reduction of the prohibitory duties, should be taken as the measure of the burdens imposed upon them by those duties, the committee will very clearly perceive that I have not estimated the burdens of the southern States too highly. For it may be safely assumed that a reduction of the duties imposed upon foreign manufactures, with a view to the protection of the domestic, from their present rates to twenty per cent., would increase the annual income of the planters of cotton, tobacco, and rice at least ten millions of dollars, taking into view the increased demand for these staples, and their increased value, resulting from the reduction of the duties in question. And yet, even after this reduction, the planting States would contribute more than their due proportion to the federal treasury.

These views of the unequal action of your impost system upon the different sections of the Union, and of the effect of its repeal or modification, are fully confirmed by the concurrent declarations of almost every advocate of that system, who has addressed the committee during this debate. They all concur in the opinion that the adoption of the amendment I have offered—small as is the reduction it proposes—would be utterly ruinous to the northern manufacturers. One gentleman [Mr. DAVIS] has stated that all the manufactories would be razed to their foundations, and that the people of New England would have no resource or refuge, but in flying to the western wilderness, to take up their abodes among savages and wild beasts. Another gentleman [Mr. DENNY] has said, that, if you adopt the proposed amendment, you sweep through Pennsylvania with the besom of destruction, and run a ploughshare over Pittsburg.

Now, sir, if there be any truth in these representations, if we are to regard them as any thing more than mere rhetorical flourishes, they furnish the most incontestible proof of the unequal, unjust, and oppressive operation of the prohibitory system upon the planting States. They certainly amount to a distinct and unequivocal admission that the wealth and prosperity of the manufacturing States are derived from the duties imposed upon the productions of southern industry; for if a repeal, or even a moderate restriction of these duties would spread desolation over the eastern and middle States, it follows as a corollary, that the existence of those duties must produce a corresponding injury to the southern States.

I presume I may take it for granted that the days of political necromancy have passed away, and that no one will now contend, except perhaps that celebrated Rosicrucian philosopher, Professor List, that there is a creative power in legislation. Sir, no political power on earth can, by a mere touch of the legislative wand, as if by the touch of Midas, diffuse wealth and prosperity over extensive regions of country. Nothing less than an omnipotent power is adequate to produce such a result. Whatever wealth, therefore, is communicated to one portion of the Union by the duties and taxes imposed by Congress, must necessarily, and in the very nature of things, be abstracted from the wealth of some other portions of the Union. Human industry only, co-operating with the bounties of nature, can create wealth. All that human legislation can possibly accomplish in this respect, beyond protecting the property of every citizen against foreign and domestic violence and injustice, is to change the natural distribution of the wealth thus created, by an arbitrary and despotic transfer of the property of one portion of the community to another.

I have said that it is impossible to confer wealth on one part of the Union, by the legislation of Congress, without abstracting an equal amount of wealth from some other part of the Union. I now go further: I maintain that whenever this transfer of wealth from one part of the Union to another is effected by regulations which divert industry from its natural into artificial channels, the burden imposed upon the one part of the Union is much greater than the benefit conferred upon the other. When, therefore, it is affirmed that the proposed reduction of the duties upon the productions of southern industry would utterly desolate the manufacturing States, gentlemen should reflect that they are giving the strongest possible confirmation of the alleged desolation produced by these duties upon the prosperity of the planting States. For nothing can be more clear, in my view of the subject, than that the injury done to the planting States by the imposition of the duties in question, is much more extensive than that which would result to the manufacturing States by the repeal of them.

A very brief analysis of the manner in which the proposed reduction of duties would operate, will illustrate and confirm the views here presented. What, then, is it that would produce the alleged desolation in the manufacturing States? Would a British army, with hostile banners waving over the ruins of your manufacturing establishments, carry devastation by fire and sword throughout the manufacturing States of the Union? Would the southern planters, with an army of slaves, apply the incendiary torch to those establishments? Nothing of this sort is pretended, sir. The manufacturers would neither feel the hand of violence nor injustice. Nothing would be taken from them, to which they have a semblance of title. The whole of the desolation which gentlemen have depicted, would result from restoring to the planting States a portion only of their natural and constitutional rights. As the tariff now stands, the southern planters are not permitted to vend the productions of their industry in the markets of the Union, until they have paid a discriminating duty of forty-five per cent., while the manufacturing

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States are permitted to vend their productions without paying any duty at all. Even if the proposed amendment were adopted, there would still remain a discriminating duty of at least twenty-five per cent. against the southern planters, and in favor of the northern manufacturers.

And yet gentlemen openly admit and declare, that, even with this discriminating duty of twenty-five per cent. in their favor, the northern manufacturers cannot hold competition with the southern planters, in supplying the markets of the Union with manufactured articles, but would be utterly ruined by the competition. If, then, this partial restitution of the rights of the southern States would produce such disastrous consequences to the northern manufacturers, what would be the effect produced by an entire restoration of those rights? Those rights can be completely restored, only by placing the productions of southern industry upon a footing of perfect equality with the productions of northern industry. To produce this equality, there should be no discriminating duty at all, not to the extent of twenty-five or even five per cent. The manufactures purchased by southern industry should be subject to no higher duties than the manufactures made by northern industry. The property obtained by purchase is no more rightfully the subject of taxation, nor less entitled to the protection of a just Government, than that which is manufactured by the owner. Whatever duty, therefore, is imposed upon foreign manufactures obtained in exchange for the productions of domestic industry, the same rate of duty should be imposed upon the manufactures made in the United States, and brought into competition with them. This is indispensable to that equality of taxation which every State in the Union has a right to demand. If a duty of twenty-five per cent. is imposed upon the manufactures imported by the southern planters, the same duty should be imposed upon those which are made by the northern manufacturers. They would then come into competition upon a footing of perfect equality in regard to government protection. Whatever advantage either might have, would be a natural advantage, of which they could not be rightfully deprived by the Government. If, then, the reduction of the duties on imported manufactures to twenty-five per cent. would prove ruinous to the northern manufacturers, what utter and absolute destruction would result to those manufacturers from that reduction, accompanied by an excise duty of twenty-five per cent. on their productions? It must be obvious from the declaration of almost every gentleman who has spoken against the proposed amendment, that this equalization of duties on northern manufactures and southern imports would give to the latter almost the entire possession of the markets of the United States, to the exclusion of the former. All this conclusively demonstrates that the manufacturers of the northern States are actually sustained by the unjust discriminating duties imposed upon the productions of southern industry, and could not exist for twelve months in a tolerable state of prosperity if those duties were repealed. And yet gentlemen, who admit this to be true, have the modest assurance to tell us that the duties in question impose no burden upon the southern States, that does not operate equally as a burden upon all parts of the Union, and that the tariff has nothing to do with the distress and suffering and decay of the southern States!

Sir, it is vain that gentlemen attempt to wind their way through the labyrinth of inconsistencies in which they are involved. To a mind capable of comprehending the subject, there cannot be presented a more palpable contradiction, than to assert that the repeal of the duties on southern imports would ruin the northern manufacturers, and yet that the imposition of those duties is not as injurious to the southern planters, as their repeal would be to the northern manufacturers. Such a notion can be maintained only by ascribing to the legislation of Congress the supernatural power of imposing taxes which shall confer

signal benefits upon one portion of the Union, without doing a corresponding injury to any other portion. It is true, indeed, that one of the gentlemen from Massachusetts [Mr. DAVIS] did very distinctly advance the proposition that impost duties are not taxes, and do not impose any burden upon the community, but confer very great benefits. The first day he addressed the committee, he made a very labored argument to prove that impost duties imposed no burden at all upon the southern planters, as producers. The second day he maintained, with equal earnestness, that every increase of duties on foreign manufactures, so far from increasing their price, had actually made them cheaper, and consequently that the consumer paid no part of the tax, but, on the contrary, received a benefit. The gentleman acted wisely in not uttering these two propositions on the same day. Separated by the interval of a night, it was possible that the paradoxical absurdity involved in their union might not be perceived. When brought together, they amount to nothing less than the broad and unqualified assertion that the impost duties laid upon foreign manufactures, though they yield a large revenue to the Government, and, indirectly, a bounty to domestic manufacture, impose no burden at all upon any portion of the community. After this, the doctrine that "taxation is no tyranny," can no longer be regarded as confined to the slavish advocate of the despotic power of the British Parliament, and the passive obedience of the North American colonies. Improving upon the exploded political text, that a "public debt" is a "public blessing," the gentleman from Massachusetts has revealed to us the still more important discovery, "that a public tax is a public blessing."

So far as there is any truth in the assertion of the gentleman from Massachusetts, that the increase of duties on foreign manufactures does not enhance their price, it is a conclusive confirmation of my argument, as to the operation of impost duties on the producers of our exports. For if the price of manufactures be not increased, in consequence of the duties, it follows that no part of the tax falls upon the producers. Nothing can be more certain than that, if there be no magic in the business, somebody must pay the taxes that go into the federal treasury. The truth of the matter is, that the price of manufactures is not increased in proportion to the duties imposed upon their importation, though it is increased to a certain extent. But it is equally true that the price of the staples of exportation is diminished by the impost duties, to a certain extent also. The duties must be paid either by the producers, or by the consumers, or by them both. Whatever portion of the duties is not paid by one of these classes, must be paid by the other. In the actual state of the foreign and domestic markets, I confidently believe that the principal burden falls upon the producers; in other words, that the duties imposed upon foreign manufactures exhibit their effects much more in depressing the price of our agricultural staples in our own markets, than in the enhancement of the price of manufactures. But the gentleman from Massachusetts cannot conceive how the price of cotton can be depressed by our impost duties, and seems to suppose that if these duties depress the price of American cotton in our own markets, they must equally depress the price of foreign cotton in the markets of Europe. Now, the truth is nearly the reverse of what he supposes. If an export duty were imposed upon cotton, the gentleman would probably understand it. That would diminish the value of cotton to the planter, almost to the full extent of the duty, although it would not at all diminish the price in Europe. If the planter receive the same price only for his cotton, after the imposition of the duty, that he received before, the duty most unquestionably falls on him. The gentleman seems to me to have failed in his usual acuteness, in confounding the effect of our tariff upon the price of cotton in foreign markets, and in our own

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markets. Hence he infers that the American merchant who purchases the cotton of the planter, pays for it in money, as much as it is worth in Europe, deducting only the freight and charges; and, from these erroneous premises, he infers that if any loss occurs afterwards, by receiving goods subject to duty, it must fall on the merchant.

Now, the gentleman gives credit to the American merchant for a very small share of sagacity, in taking it for granted that he will pay the planter as high a money price for his cotton as can be obtained for it in Europe, (deducting only freight and charges,) when it is known that the only purpose for which he purchases the cotton, and the only profitable use to which he can apply it, is to give it in exchange for foreign manufactures which he will not be permitted to sell until he pays the duty. In fixing the money price of cotton in the United States, the merchants undoubtedly take into consideration the duties they will have to pay on the return cargo. These duties constitute one of the principal elements of the calculation upon which the price of cotton is founded. It may be true that this calculation is not actually made by each individual merchant who purchases a lot of cotton; but it is equally true that each individual merchant does not calculate the demand and supply when he makes a purchase, though every one knows that these are the two circumstances which infallibly regulate prices. This reasoning is conclusively confirmed by a comparison of the prices current of cotton in Great Britain and the United States at this moment. Prime cotton now commands seven and a half pence, or about fourteen cents, per pound in Liverpool. Add to this the difference of exchange, and the difference in the value of the currencies of the two countries, which amount to eight per cent., and you have fifteen cents; or more, as the price of cotton in Liverpool, estimated in American currency. Now, sir, the very highest price that can be obtained in the markets of the United States, is eleven and a half cents. Add to this two cents for freight and insurance, and other charges, a large allowance, and you have thirteen and a half cents as the price which it costs the American merchant to deliver in Liverpool the cotton for which he obtains fifteen cents. So far, therefore, from giving the planter as large a money price for his cotton, deducting the charges, as he could obtain in Europe, the American merchant reserves one and a half cents for his profit on every pound; whereas, if imported manufactures were freed from the discriminating duties imposed upon them, and the importing merchant could make his regular profit upon the merchandise imported, every practical man knows that, as cotton is the most convenient medium of remittance, it would command very nearly as high a price in the United States as it would in Great Britain.

But the merchant must have his profit on one branch of the exchange or the other. What your discriminating duties in favor of domestic manufacture prevent him from making on the merchandise he imports, he must make upon the staples which he exports. Thus it is, sir, that the price of cotton is depressed in our own markets, more than that of manufactures is enhanced, by prohibitory duties; and, consequently, the largest portion of the burden of these duties falls upon the planters, as producers. If all the duties now imposed upon foreign manufactures were repealed, and trade left perfectly free, I will hazard my reputation on the assertion that there would not be a difference of more than one cent a pound between the price of cotton in Liverpool and in Charleston; whereas the difference now is two and a half cents at least. And here I cannot but remark that the gentlemen opposed to me have, in scarcely a single instance, stated my propositions correctly, and met them fairly. Whereas I stated that at least one-half of the burden of the duties laid upon imports falls upon the producers of the exports given in exchange for them, as producers, I am repre-

sented as stating that the whole burden falls upon the producers, and no part of it on the consumers. And whereas I stated that the duties imposed upon the foreign manufactures we received in exchange for cotton, have the effect of depressing the price of cotton in the United States, I am represented as stating that those duties depress the price of cotton in foreign markets.

It will be recollected that the leading proposition which I laid down, and to which all the rest were subservient, was that forty per cent. on the cotton, tobacco, and rice, exported from the planting States, might be fairly assumed as the measure of the burdens imposed upon them by this Government.

Now, sir, if we assume that only one-half of the burden of the imposts falls upon the planters, as producers, my proposition will be most completely sustained: for I will now take into the estimate two very important items, which I did not think it necessary to present in my former argument. We have been told, this morning, by a gentleman from New York, [Mr. STORGE] that the tariff States purchase from the planting States cotton to the amount of six millions of dollars. I believe this to be an extravagant estimate; and, though it would better subserve the purposes of my argument, I will not adopt it. The true amount of cotton sold by the southern to the northern States may be set down at five millions of dollars. Assuming forty-five per cent. as the average of the duties levied on foreign manufactures, and that one-half only of this duty is taken out of the price of cotton, it will follow that the planters sustain a loss of twenty-two and a half per cent. upon the cotton sold to the northern manufacturers. For whatever depresses in our own markets the price of the cotton exported to foreign countries, must equally depress the price of the smaller portion of it consumed by the domestic manufacturers. Here, then, is a burden of one million one hundred and twenty-five thousand dollars imposed upon the internal trade of the cotton planters, which does not go into the public treasury, but evidently into the pockets of the manufacturers. But this is not all. If the planters receive, in exchange for this cotton, northern manufactures, enhanced by protecting duties, they are subjected to an additional burden of one million one hundred and twenty-five thousand dollars, as the consumers of those manufactures. I will assume, however, that only half the amount of cotton sold to the northern manufacturers is received by the planters in domestic goods, enhanced by the protecting duties. From this, it will follow that the planters sustain a burden of one million six hundred and eighty-seven thousand five hundred dollars upon this branch of their internal trade; of which, one million one hundred and twenty-five thousand dollars results from the depression of the price of cotton, and half that sum from the enhancement of the price of the manufactures received in exchange for it.

There is another item to be added to the burdens of the southern States.

They export grain, flour, lumber, turpentine, and various other articles, amounting to not less than two millions of dollars, in addition to their exports of cotton, tobacco, and rice. The burden they sustain, through these exports, cannot be less than six hundred and fifty thousand dollars, in any view of the subject. This sum, added to one million six hundred and eighty-seven thousand five hundred dollars, gives two million three hundred and thirty-seven thousand five hundred dollars, which must be added to the burdens of the southern States, besides what they bear as the exporters of cotton, tobacco, and rice.

Now, if even we grant that only one-half of the burden of the duties imposed upon the foreign trade of the planters is paid by them as producers, yet they will pay, even in that view, twenty-two and a half per cent. on thirty-seven millions of dollars of exports, amounting to eight million three hundred and twenty-five thousand

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dollars. And if we grant, also, that the planting States only consumed taxed articles, foreign and domestic, to the amount of half their exports—an extravagant concession—they will still pay, as consumers, four million one hundred and sixty-two thousand five hundred dollars. All these sums, added together, make an aggregate of fourteen million eight hundred and twenty-five thousand dollars, being twenty-five thousand more than forty per cent. upon the exports of cotton, tobacco, and rice.

But, sir, in conceding, for the sake of argument, that the planting States consume only half the amount of their exports in taxed articles, foreign and domestic, I have conceded what the facts of the case will not justify. On the contrary, they consume very nearly the whole amount of what is left, after paying the contribution to the custom-house. The gentleman from Massachusetts [Mr. DAVIS] has stated that the manufacturing States consume as large an amount of foreign manufactures, in proportion to their numbers, as is consumed by the planting States. If any thing in the shape of a tariff argument could astonish me, it would be this assertion. Can the gentleman possibly be serious? Can he gravely assert, in this assembly, that the tariff States purchase, for their own consumption, from the planting States, as large a proportion of foreign manufactures as are consumed by the planting States themselves, when every man in this House must know that the tariff States manufacture the very same description of articles, not only for their own consumption, but for the purpose of selling them in other States, and in foreign countries? We were told, yesterday, by a gentleman from New York, [Mr. MARTINDALE] that the manufactures which have grown up under the protecting system, consisting of the very descriptions which the southern States import in exchange for their staples, amount annually to the sum of one hundred and twenty millions of dollars. Now, sir, if the manufacturing States consume domestic manufactures to the amount of one hundred and twenty millions of dollars, and, in addition to all this, consume their full proportion of the thirty-seven millions of dollars imported by the southern States, they must certainly be the most extravagant and voracious consumers on the face of the earth!

Gentlemen seem to think it incredible that the southern States should consume foreign manufactures to the amount of thirty-seven millions of dollars. But is this more surprising than that the other States should consume domestic manufactures of the same kind to the amount of one hundred and twenty millions of dollars? And it is to be remarked, that, of the thirty-seven millions of dollars of manufactures imported in exchange for southern produce, fourteen million eight hundred thousand dollars is taken by the Government. This, of course, is not consumed by the planting States, but by the public officers, contractors, and other persons, who receive in various forms the public disbursements. The remaining twenty-two millions of dollars is all that the Government permits the planters to receive for their exports of cotton, tobacco, and rice. It is only necessary that I should prove that they consume this amount of imports, to prove that they are taxed, as consumers, in proportion to their exports. Assuming the population of the planting States at four millions, black and white, twenty-two million two hundred thousand dollars would about yield a dividend of five dollars and a half to each person, for every description of clothing and other articles manufactured of wool, cotton, flax, hemp, and silks; for iron and all its manufactures; for salt, sugar, coffee, tea, and an infinite variety of smaller articles. The southern people must be poor indeed, if their consumption of the articles of foreign merchandise, and of northern manufactures protected by the import duties, does not amount to five dollars and a half for each individual. The annual clothing of a field slave amounts to a larger sum.

Nothing in this debate has surprised me more than the loose and random assertions in which gentlemen have indulged on this subject of consumption of foreign manufactures. A gentleman from Rhode Island, [Mr. BURGESS] who deals extensively in figures of different kinds, has communicated a very important piece of statistical information in regard to South Carolina. He informs us that this State, which exports to the amount of eight millions of dollars, consumes, of foreign productions of every kind, only to the amount of one million three hundred thousand! This very important and singular fact it infers from the circumstance that the imports of Charleston amount only to that sum.

Can it be necessary to inform the member from Rhode Island of a fact so notorious, as that the principal part of the foreign merchandise consumed not only in South Carolina, but in all the planting States, is imported through New York, and other cities north of Charleston? I confidently assert, sir, that, for clothing alone, South Carolina consumes in foreign manufactures, and in northern manufactures, equally enhanced by protecting duties, three times the amount set down by the member from Rhode Island, as her entire consumption of foreign merchandise. This statement of the gentleman, however, is not quite so extravagant as another which he made in illustration of the miraculous influence of the protecting system. After ascribing all the improvements made in machinery in Europe and America, for the last half century, to the protecting system of the United States, which commenced in 1816, setting all chronology at defiance, he made a statement as to the effect of this improved machinery in cheapening production, which bid equal defiance to all the known powers and principles of mathematics. He gravely told us that the American tariff system has reduced the price of woollen manufactures one hundred per cent., and that of cotton manufactures two hundred per cent. Now, sir, I can conceive of the possibility of reducing the price of an article to nothing, but it would puzzle Sir Isaac Newton himself, with all the combined powers of algebra, fluxions, and the infinitesimal calculus, to follow the gentleman in his descent of one hundred per cent. less than nothing! I must, therefore, leave him in the profound depth to which he has descended, with a single admonition. I recommend it to the gentleman never, in future, to deal in the use of Arabian figures, but to confine himself strictly and exclusively to figures of speech. Let him carefully abstain from all the combinations of the nine digits, and revel without restraint amongst crocodiles, toads, tadpoles, and the whole reptile tribe, which abound in his imagination with the same teeming profusion that he seems to suppose they abound in the bayous and stagnant pools of Louisiana.

But to return from this digression to the question of the relative consumption of imported articles by the manufacturing and the planting States. How is it possible that the manufacturing States, who allege, and allege truly, that they have nothing wherewith to purchase foreign manufactures, even if they were freely admitted, can consume as large a share of them, in proportion to their numbers, as the planting States, who have nearly forty millions of productions to give in exchange for them? If those who have no means of purchasing the manufactures of Europe, consume as large a proportion of them as those who actually pay for them, it is worth while to inquire how this strange phenomenon is brought about. It must be effected either by plunder, or by the exchanges of internal commerce. Let us examine for a moment the nature and extent of these exchanges.

What means have the northern States to purchase the foreign manufactures which are imported in exchange for southern exports? They have positively nothing but their own manufactures by which they can purchase foreign manufactures from the southern planters. The

southern States consume a large amount of the woollen and cotton manufactures of the North; but, even if they pay for them by giving in exchange foreign manufactures, this does not relieve the people of the South from any part of the burden imposed upon their foreign exchanges. If the southern States give fine British woollen and cotton manufactures in exchange for coarse northern manufactures of the same articles, is it not obvious that they pay, as consumers, as large an amount of taxation upon these coarse fabrics, as they would have been compelled to pay if they had consumed the fine fabrics of Great Britain? The form of the burden is changed, but its extent is not at all diminished: for it will hardly be denied that the price of northern manufactures of cotton and wool is as much enhanced by the tariff as that of British manufactures of the same materials.

But I grant that the southern States purchase various other articles from the northern States, such as pleasure carriages and cabinet furniture, which are not, strictly speaking, enhanced in price by the protecting duties; and if these were paid for with foreign manufactures, it might be fairly contended, that, to this extent, the northern people sustained a portion of the burden of the southern imposts. But gentlemen seem entirely to overlook, in this aspect of the subject, what they not only urge, but exaggerate in others—the five millions worth of raw cotton annually sold by the cotton planting to the manufacturing States. In all conscience, this is an ample fund wherewith to purchase all the articles of northern manufacture, such as I have just mentioned, which the planting States can require for their consumption. When to all this we add, that the southern States consume a considerable amount of tea, coffee, sugar, molasses, rum, and other East and West India productions, which we imported by the manufacturing States in exchange for their productions, it may be very confidently stated that the planting States consume as large an amount of foreign productions imported in exchange for those of the manufacturing States, and of northern manufactures, equally enhanced in price by the tariff, as the manufacturing States consume of the foreign manufactures imported in exchange for southern produce.

From this analysis of the internal trade of the United States, it is apparent that the live stock purchased from the western States, amounting to about three millions of dollars, is the only branch of that trade which tends to relieve the planting States from any portion of the impost duties levied upon their foreign exchanges. Even, therefore, if it were true that the whole burden of these duties falls upon the consumers, the planting States would be taxed in proportion to their exports, with this inconsiderable exception.

But, sir, in estimating the burden imposed by the tariff upon the different parts of the Union, gentlemen entirely overlook its prohibitory effect. The very lowest estimate which can be made of the curtailment it has produced in the demand for American cotton in the markets of the world, taking into view the increased demand in that of the United States, is two hundred thousand bales, amounting to six millions of dollars. This will be three times as much as is required to counterbalance any diminution in the burdens of the southern States, which can be supposed to result from the circumstance of their not consuming taxed articles to the full amounts of their exports.

I have thus made out the burdens of the South to be as great as I represented them, without taking into the estimate the inequality of the Government disbursements.

I will now endeavor to bring the doctrines of the tariff gentlemen to a test, to which, as christian men, they cannot take exception. I require only that they shall prove the sincerity of their belief in those doctrines, by adopting the golden rule of "doing unto others as they would that others should do unto them."

They allege, with great apparent sincerity, that a duty imposed upon any particular branch of productive industry is no tax at all upon the producers, except so far as they consume the productions of their own industry, and that, consequently, the planting States have no cause to complain of unequal taxation, because two-thirds of the federal revenue is levied upon the productions of their own industry. Now, sir, if there be any truth in this doctrine, gentlemen cannot consistently oppose its application to themselves. I propose, then, to return "the poisoned chalice to their lips," by imposing an excise duty of only twenty per cent. on the various manufactures of the tariff States, which the gentleman from New York estimates to amount to one hundred and twenty millions of dollars, and to repeal entirely the duties upon imports. This will yield a revenue of twenty-four millions of dollars, and will not be half so oppressive, or half so unequal, as our present system of taxation. For the last fourteen years, the whole federal revenue has been raised by an indirect tax of at least forty per cent. levied upon less than seventy millions of dollars of the productions of the country. It certainly cannot be unreasonable to ask that for the next fourteen years the burden, which gentlemen say is no burden at all, should be shifted from that part of the Union which feels it to be oppressive and ruinous, to that which regards it as utterly harmless. And I am curious to know what objection gentlemen will urge against an indirect tax of twenty per cent. upon the productions of northern industry, which will not apply with double force to the existing tax of forty per cent. upon the productions of southern industry. To all their complaints, I will reply, in their own words, "make yourselves easy, gentlemen; this is no tax upon the manufacturers, it is a tax which falls exclusively upon the consumers of their productions." But, sir, is there any man in this House, that can believe for a moment that the manufacturers would be deluded by the miserable fallacy, the insulting mockery, by which they attempt to reconcile the South to their unjust and oppressive burdens? Would they believe that a tax laid upon their productions is no tax at all upon them, as producers, because the burden must ultimately fall on the consumers? No, sir; rest assured that, before they had felt its operation twelve months, they would be most feelingly impressed with the truth, that a tax is still a tax, lay it where you please, and disguise it as you may.

And yet, sir, the excise which I propose would be, in every respect, more equitable, and would be much more equally distributed over the Union, than the impost duties now are. In the first place, it would be applied to a larger amount of the productive industry of the Union, than that upon which our present taxes are levied, and, of course, a lower rate of duty only would be necessary. Twenty per cent. upon the productions of the tariff States would yield as much revenue as forty per cent. on the productions of the exporting States. In the second place, regarding it as a tax, not on the manufacturers, but on the consumers of their fabrics, it would be much more equally diffused over the Union than the impost duties on foreign manufactures. For it cannot be doubted that the planting States consume a larger amount of northern manufactures, by at least five millions of dollars, than the manufacturing States consume of foreign manufactures obtained in exchange for southern produce. This conclusively follows, from the fact that the northern States have nothing but their manufactures with which to pay the southern States, not only for the foreign manufactures they obtain from them indirectly, but, also, for the raw cotton they purchase from them directly.

According to the principles laid down as applicable to the planting States by all the tariff gentlemen who have participated in this debate, the excise duty which I have suggested would be no more oppressive to the manufacturing States than it would be to the planting States! Yet

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every man, I will not say of enlarged political intelligence, but of the very humblest pretension to common sense, must perceive that an excise, accompanied by a repeal of the impost duties, would spread desolation over the whole region of the manufacturing States, while it would increase the wealth and prosperity of the planting States, beyond all former example. Such, sir, are the monstrous discrepancies between the theories of gentlemen, intended for others, and their practical results, when brought home to themselves.

And here, sir, I beg leave to notice a very extraordinary position, which has been assumed by one of the gentlemen from Massachusetts, [Mr. GORHAM] and seriously defended by another, [Mr. EVERETT.] The former gentleman asserted that the cotton, tobacco, and rice, exported from the southern States, grown upon the southern soil, and produced by southern capital and southern labor, are not the exclusive property of the southern States, but that they equally belong to the other parts of the Union; and the latter gentleman seized upon the grand discovery of his colleague, as furnishing the only practicable solution of the otherwise inexplicable anomaly, that one-third of the people of the United States own two-thirds of the exports, and pay two-thirds of the taxes of the country. Sir, there is, perhaps, more truth in this idea of the gentleman from Massachusetts, than they would be willing to avow, though in a very different sense from that in which they intended it to be understood. Every southern planter may truly say, "my own is not my own," upon the same principle that our forefathers said, when they staked "their lives, their fortunes, and their sacred honor" upon the issue of the revolutionary struggle, "no man has a right to that which another man has a right to take from him."

But, sir, in any other sense, what can be more wildly extravagant, more supremely absurd, than this worse than agrarian idea of a communion of property? The reason upon which it is founded, is worth considering. It is alleged, that in as much as a part of the agricultural productions of the South, as well as of the foreign manufactures received in exchange for them, are purchased and consumed by the manufacturing States, they must be considered to that extent the productions of the manufacturing States.

Now, sir, it is strange that the gentleman did not perceive that this doctrine, fairly carried out, would prove that no part of the cotton, tobacco, and rice, made in the southern States, is the production of southern industry. For if that portion which is purchased and consumed by the northern States, is for that reason to be regarded as the production of those States, the remaining and larger portion, which is purchased and consumed by foreign countries, must be regarded as the production of foreign industry. Thus it is, sir, that, by a sweeping theory, we are ousted of our title to the productions of our own labor; much more completely than we are, even by the tariff itself. Another consequence follows from this doctrine, which the gentleman would be very unwilling to admit. It results, as a correlative proposition, that the manufactures of the northern States, which are purchased and consumed by the southern States, are not the productions of northern, but of southern industry.

In a word, sir, as all commercial exchanges must be reciprocal, this novel doctrine would as clearly prove that your property is mine, as that my property is yours; and it would thus introduce utter confusion into all our notions on this subject.

I come now, sir, to a view of this very grave and interesting subject, which I never approach without regretting the necessity of doing it, and which I certainly should not have brought before the committee, but for the course pursued by a member from New York, [Mr. MARTINDALE.] That gentleman, after stating that the protecting system had been adopted by the tariff States from a clear and dis-

ting perception of their own interest, and that they never would abandon it under any circumstances—both of which assertions I fully believe—went on to say, that if the southern States were unwilling to submit to what they believed to be oppression and tyranny, he was perfectly willing that they should withdraw from the Union, and hoped they would depart in peace. As the gentleman has thought proper, in a very cool, calculating, and unimpassioned manner, to throw out a defiance which implies that the southern States are insignificant and unimportant to the Union, I shall avail myself of the occasion to demonstrate how much those States contribute not only to support the Government, but to sustain the prosperity of the rest of the confederacy, by showing what they would be without the Union, and what the Union would be without them. This view of the subject has the advantage of exhibiting plain, palpable, and intelligible results, and, if I am not egregiously deceived, will furnish incontrovertible proof of the doctrines I have attempted to sustain, by general reasoning. It will certainly demonstrate that the Union needs the southern States, more than the southern States need the Union.

What, then, would be the effect of dissolving the Union? And, in the first place, what would be its effect upon the southern States? It will not be denied that they would still possess at least as large an amount of exportable productions as they now do. They would consequently export to foreign countries productions amounting to forty millions of dollars; and as there would be no system of legislative plunder or piracy to intercept the lawful returns of their industry and enterprise, they would import through their own custom-houses foreign merchandise to at least an equal amount. The whole amount of the revenue derived from the impost duties, on this merchandise, would belong to them, instead of being unnaturally diverted by a Government which in this respect operates as a foreign Government on them—to enrich other parts of the confederacy.

If we assume twenty per cent. as the average of the duties which the southern States would impose upon their imports, it would yield them an annual revenue of eight millions of dollars, being a larger revenue in proportion to their numbers, than the Government of the Union now derives from the present excessive duties. While, therefore, the planters of the South would be relieved from more than one-half of their present burdens of taxation, the southern States would have a most abundant revenue, and, what would be of more importance than can be readily realized, the whole of it would be disbursed within those States, creating, to that extent, a new demand for the productions of their industry, and diffusing prosperity through ten thousand channels, amongst all classes of society. As I have reasons for believing that this subject of Government disbursements has not been sufficiently developed, I will attempt some further illustrations of a more practical nature. The annual disbursement of eight millions of dollars, where less than one million is now disbursed, would be equivalent to an addition of one hundred millions of dollars to the permanent capital of the country, that being the sum which would be required to yield an annual interest of seven millions of dollars. Can this position be denied, or even doubted, by any rational mind at all familiar with such inquiries? Whatever amount is added to the permanent revenue of any country or section of country, without any increase of its burdens, must obviously increase its wealth and prosperity, as much as they would be increased by an addition to its permanent capital, sufficient to yield that additional revenue. But the case we are considering is even stronger than this. The addition of seven millions of dollars would be made to the annual revenue of the southern States, not only without any increase of its burdens, but with a reduction of them more than one-half, thus adding as much to their wealth and prosperity, by exemption from taxation, as by the

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increase of their public revenue. It is a moderate and safe estimate, therefore, to say that the withdrawal of the southern States from the action of the Federal Government, and the consequent establishment of a system of free and unshackled commerce, would add two hundred millions of dollars to their wealth at once, and that the property and income of every man in the community would be proportionably enhanced in value.

And what, sir, would be the effect of this new order of things upon the condition, the wealth, and the financial resources of the other States of the Union? What would become of their manufacturing establishments, now sustained by unjust and unconstitutional taxes and restrictions upon the productions of southern industry? They would exhibit one wide and almost unbroken scene of desolation and ruin. What, then, would become of your protecting system? Do you believe, sir, that the western and northwestern States would consent to purchase manufactures from the northern States at an enhanced price, where they could find no good market for their live stock; when they could purchase manufactures from the southern States twenty-five per cent. cheaper, and, at the same time, obtain a market for their live stock, incomparably better, and four times more extensive, than that which they could find in the northern States? This would be to suppose them utterly blind or utterly indifferent to their interest. The northern manufactures would be driven from every part of the United States where the imports of the southern States should be freely admitted. Consequently, the consumption of those imports would be increased, in proportion to the diminished consumption of northern manufactures.

And what would be the financial resources of all the other States, if the southern States were separated from them? Unless they should resort to internal taxes, adding new burdens to their manufactures at the moment of their utmost distress, they would have only a miserable foreign commerce of twenty millions of dollars, from which to supply their public exchequer. Even if they imposed duties doubly as high as those of the southern States, they would only derive from them a revenue of eight millions of dollars. So that the northern States, with a population of eight millions, would have a revenue of only eight millions, paying forty per cent. upon their imports, whereas the southern States, with a population of less than four millions, would have the same amount of revenue, paying only twenty per cent. upon their imports! A more striking contrast can scarcely be conceived than this; and yet, sir, it is no picture of the imagination, but a plain matter of fact reality, involving no doubtful speculations in political economy, but challenging the assent of every man who is capable of reading the custom-house statements, and of making the simplest arithmetical calculations. The separation of the southern States from the Union, therefore, which the gentleman from New York seems to regard of such small consequence to the other States, would produce a revolution in the respective conditions of the two dis severed parts of the confederacy, to which history can furnish no parallel. So far as relates to their wealth and prosperity, it would be the heaviest curse that could be inflicted upon the manufacturing States, and the most signal blessing that human wisdom could confer upon the southern States.

In less than ten years Charleston would be the second city in the Union, and all the southern cities and towns would have a corresponding increase. The wealth and capital which is now concentrated in Boston, Providence, Lowell, and the other great seats of manufacture in the North, would be transferred to Charleston, Savannah, Augusta, Columbia, and the other great seats of commerce in the South. The growth of the city in which we are now deliberating, is a striking proof of the wonderful effect of public disbursements. From what we have here witnessed, it may be safely inferred that a per-

manent annual disbursement of a million of dollars is sufficient, of itself, to build up and sustain a city with a population of twenty thousand inhabitants. What, then, would be the effect of adding seven millions of dollars to the annual disbursements of the southern States, while their taxes should be reduced to one-half their present rate, and their commerce extended in all directions under the influence of that freedom which would equally increase the demand for their staples abroad, and for imported manufactures in the United States?

Sir, it is utterly impossible that any southern city can ever rise into consequence, while the constant draught of Government exactions, and the steady current of Government disbursements, operate as discriminating duties in favor of the northern cities. It is under the influence of these causes, and not for the want of enterprise or industry, that Charleston, the natural emporium of an extensive foreign commerce, has sunk into comparative insignificance, as a mere place of deposit for our staples of exportation, while the foreign merchandise obtained in exchange for these staples is actually imported by northern cities. It is owing to these causes, that, although two-thirds of the foreign commerce of the country belongs to the southern States, their cities are insignificant, compared with those of the northern States, and, while the former are going to decay, almost universally, the latter are rapidly increasing in population and prosperity. And, sir, it is owing to these causes, also, that the northern States, comparatively destitute of natural advantages, having no staples of exportation to support their commerce, exhibit all the indications of a young, growing, and flourishing country; while the southern States, with natural advantages, such as never fall to the lot of any other country, and with an industry which never relaxes its efforts, are in a steady progress of deterioration, exhibiting all the indications of premature decrepitude and decay. A traveler, in passing through the southern States, will be struck with the wretched appearance of towns and villages almost in ruins—the melancholy memorials of departed prosperity; whereas, in the northern States, he will be equally struck with the animating appearance of towns and villages growing up in the oldest States almost as rapidly as in a newly settled country. Such, sir, is the power of misgovernment to destroy the bounties of Providence. No natural advantages, no industry, no human exertion, however great, can stand the unequal action of a Government which levies a contribution of forty per cent. upon the income of one part of the Union, to be appropriated, in various modes, to the enriching of another.

It is like the action of a burning and malignant sun, which perpetually evaporates the moisture and fertility of the soil, in a region devoted to the curse of heaven, to pour them out in fructifying and refreshing showers on more favored regions. Under the existing order of things, it is in vain that we attempt to disguise the fact that the Union itself is nothing more nor less than a compact, reducing the southern States to the very worst condition of colonial bondage—that of mere tributary provinces.

But, sir, the gentleman from Massachusetts has informed us that the establishment of a system of free trade would make us tributary provinces to Great Britain; and most of the gentlemen who have addressed the committee on the same side of the question, have expressed a similar opinion. Now, sir, with all my respect for those gentlemen, I must say, in sheer justice to the subject, that this is "stale, flat, and unprofitable nonsense," destitute even of the shallowest plausibility. The lowest political demagogue on a county court hustings would not utter more miserable slang, with a view to arouse the prejudices of the most ignorant rabble, composed of the dependents of some great manufactory. What, sir! are we to be gravely told that we pay a tribute to a nation with whom we carry on commerce on terms of perfect equality, and from whom

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we can obtain our supplies cheaper than we could obtain them from any other market in the world? The complaint of the manufacturers here is, that Great Britain sells us her manufactures too cheap, and this, it seems, makes us tributaries; whereas, if we would pay forty per cent. more to the northern manufacturers, we should cease to pay tribute, and become independent. Heaven deliver me and my constituents from such independence! Sir, I am opposed to every sort of tribute, whether foreign or domestic. I hold with the memorable sentiment of an illustrious patriot of South Carolina, "millions for defence, but not a cent for tribute." The community that will patiently submit to pay tribute to any earthly power, is a community of slaves, whatever external forms of liberty may be preserved to reconcile them to the degrading bondage.

But, sir, this absurd notion, that by purchasing the manufactures of Great Britain we pay her tribute, involves the most contradictory and paradoxical consequences. It necessarily follows that all our foreign commerce makes us tributary to the nations with whom we carry it on. Nor is this all. If there should be found in the British Parliament a statesman of as much sagacity as the gentleman from Massachusetts and his coadjutors, he would make it as clear to that body that Great Britain pays tribute to the United States, by purchasing our agricultural staples, as those gentlemen have made it to this body that we pay tribute to Great Britain, by purchasing her manufactures. And thus, sir, it would result that a commerce, perfectly free and mutually beneficial to both countries, would subject them to a mutual tribute utterly incompatible with their independence as nations! This spirit of hostility to foreign commerce originated in the Gothic ages, when the governments erected by the feudal barons on the ruins of the Roman empire were organized upon military principles, and their whole polity arranged with a view to a constant state of warfare. If war were the great end for which governments are formed, if it were a thing to be encouraged for its own sake, foreign commerce would certainly be a nuisance, for nothing has contributed more to prevent wars in modern Europe, not excepting the benign influence of christianity itself. What is it that now binds the human family of nations together? What is it that has caused the sceptre of universal peace to wave over Europe for the last fifteen years? Commerce, commerce, nothing but commerce. It has gradually extinguished that Vandal spirit which regards foreign nations as enemies in peace, and foreign commerce as a sort of treasonable intercourse with a public enemy. This unchristian spirit is almost exclusively confined to the autocrat of Russia and the American Congress, since the downfall of that great Vandal of modern times, the emperor Napoleon. The example of this military despot, this conqueror and plunderer of nations, who regarded his subjects as born to fight for his glory, and not to labor for their own happiness, has been often quoted on this floor as authority for this warfare which you are waging against foreign commerce. In him was concentrated the spirit and the power of all the feudal barons. Regarding all nations as his enemies, and war as his permanent occupation, he rigorously excluded all the productions of foreign industry. His celebrated "continental system" was the exact prototype of the "American system." It aimed to exclude the commerce of England and her allies from all the countries subjected by his military power. But this very attempt overthrew him. The nations of the continent would not submit to the privations imposed upon them, merely to gratify his ambition. And, sir, if France and Great Britain had been united by the ten thousand ties of a free and unrestricted commerce, I have not a doubt that the desolating wars which, with very short intervals, drenched Europe in blood for nearly a quarter of a century, could not have been maintained

for two years, before the British ministry would have been displaced, or Bonaparte dethroned. A war between nations which are bound together by the strong bonds of commercial interest, involves such distressing privations; that the most ambitious rulers will not venture to cut those bonds asunder, but from the most obvious necessity. And, sir, I will not disguise the opinion, which I sincerely entertain, that the innumerable ties of interest, which, under a system of free trade, would bind Great Britain to the United States, would furnish a much more effectual guaranty against any aggressions upon our rights by that power, than all the armies and navies, generals and admirals, which our national resources could provide. As long as we continue to be the best customers of that nation, it will be impossible for her ministry to maintain an unjust war against us. Her suffering and starving manufacturers would make an appeal, to which no ministry could be indifferent. And it is not to be doubted that the late war with that country was brought to a conclusion much more by such an appeal, than by the achievements of our arms, or the skill of our diplomatists.

I now feel it to be my duty to notice some remarks which gentlemen have thought proper to introduce into this debate, on a very delicate topic, in no way connected with the measure on which we are deliberating.

The member from Massachusetts [Mr. Davis] has reminded the committee that he is contending against "the lordly owners of a thousand slaves, who are leagued with those over the water, who wish to put their feet upon our necks, and take the bread out of our mouths." These were his words. The member from Rhode Island [Mr. Burges] was pleased to add, with his accustomed courtesy and suavity of manner, that this was a contest between the honest manufacturers and the "unfeeling lashers of slaves," whom he represented as confederating with England in favor of free trade.

I am not unaware, sir, that a feeble argument, or a bad cause, may derive essential aid from an appeal to the prejudices of an audience; but I can assure the gentlemen that they are perfectly welcome to all the advantage they can gain by running comparisons between the North and the South on the subject of slavery. I will not ransack the musty annals of New England, and particularly of Rhode Island, for a history of the origin and progress of the North American slave trade. But I will say, that I thank God that I have no constituent who ever kidnapped a wretched African; tore him away, with the relentless spirit of avarice and plunder, from the land of his nativity, and sold him into foreign bondage; and, saying this, I will ask the gentlemen from Rhode Island if they can put their hands upon their hearts, and make the same declaration. Whatever may be the enormity of the slave trade—and from my soul I believe there is not in the annals of human cupidity and cruelty a more disgraceful and indelible blot—that sin does not abide with me or mine. If I have not been grossly misinformed, men, notorious for a very discreditable participation in that nefarious traffic, have figured in the halls of Congress as the representatives of sovereign States. But such a representative never came from South Carolina, and I thank God for that. In fact, sir, every part of the civilized world, and especially New England, had a greater agency in the original enslavement of the African race than the southern States. Our ancestors bought them from the ancestors of our New England brethren, and it has been well said that it is "an absurdity without a parallel in the whole history of human extravagance and folly, to hear the Old England or New England, or any other portion of christendom, coolly lecturing us upon the sin of keeping our fellow-men in bondage. They talk about the imprescriptible rights of mankind, and question the very titles which they became bound to warrant, by selling us the property." What, then, is the situation in which the people of the southern States are placed in regard to their

slaves? Since they are already amongst us, we can only regard them as human beings committed to our guardianship; and I will maintain before any enlightened tribunal, in opposition to all the visionary fanatics in christendom, that we shall consult their happiness as little as our own safety, by their emancipation. I am glad to perceive that some of the States of this Union have been brought to their senses on the subject of free negroes, by actual observation of their character and condition. I confidently assert that there is not upon the whole face of the earth a more lazy, miserable, and degraded people than the free negroes of the United States. If I desired to fix the curse of heaven upon the southern slaves, I would undoubtedly set them free, and let them go forth as wretched outcasts to beg, steal, or perish. Their present condition is proud and enviable, compared with that in which wild enthusiasts and calculating politicians would place them. Sir, I will not contend with Aristotle, that the African race were made to be slaves, but I do say that God himself has drawn the line of discrimination, both moral and physical, between them and the white race, in characters too strong ever to be obliterated. And although the people of the North, from an over-weening anxiety to attend to the concerns of other people, are very eloquent in preaching up in favor of our slaves, the doctrine of the universal equality of all mankind, they would shudder at the idea of amalgamating with them, as much as the people of the South. There is no subject upon which such erroneous notions prevail throughout the civilized world, as on that of the negro slavery of the southern States. Yielding to the influence of a mawkish and mistaken humanity, our own statesmen have generally conceded that slavery is a political evil, as it regards the white population. Now, sir, I firmly believe that there never has existed a form of servitude so favorable to the happiness of the servants, and at the same time so conducive to political freedom, as that which we are considering. Where those to perform the menial and degrading offices of society constitute a part of the political body, and participate in the Government of the country, through the elective franchise, this high privilege is degraded, and the spirit of liberty, as well as its security, diminished. It is not in the nature of things, that a mere dependent, who brushes your coat and cleans your boots, can be regarded by you with the feeling of equality which is due to a free man, nor is it expected that he should have the proud feelings that belong to a free man.

A state of servile dependence is utterly incompatible with political freedom; and, by conferring the right of suffrage upon persons in that condition, whatever may be their color, you do not elevate them to the character of free men, but degrade liberty to their level. What, sir, would you expect from an election where hostlers and groomers, and postillions and footmen, should come to the polls, and control the result? Gentlemen may talk as much as they please about equal rights, but I know they do not indulge those feelings of respect for their servants which every man in the southern States indulges towards the humblest citizen.

Where all the offices of dependent servitude are performed by a separate caste, distinguished by color, and wholly excluded from all participation in the Government, it is not to be doubted that the spirit of freedom is rendered much more proud and lofty among those who are free, by the very contrast. No man in the southern States, whatever may be his rank or station, would think of speaking to the very poorest white man in the community with the imperious tone of insolence and authority which are habitually used towards the white servants of the North. These views of the political effect of slavery are conclusively sustained by the philosophical exposition of Mr. Burke, in his celebrated speech on conciliation with the American colonies. And I will venture to predict that if ever the liberty of this country shall be extinguished, the

last glimmering of that glorious light will beam forth from the South.

Before I take my seat, I must trouble the committee with a very few words in reply to some very significant allusions which have been made as to the motives and objects by which I have been actuated in submitting to the committee the amendment which I offered, and the argument by which I attempted to sustain it. The gentleman from Massachusetts [Mr. GORHAM] imagines he can perceive some deep laid scheme of political ambition at the bottom of all this. [Mr. GORHAM rose to make an explanation, disclaiming any intention to impute such designs.] Mr. McDUFFIE said, he was glad to find that he had mistaken the gentleman, as he had great personal respect for him, but that he certainly was not mistaken in what had fallen from another member, [Mr. BURGESS] who spoke of artful and ambitious politicians who regarded political power as the *summum bonum*. Now, sir, was there ever a more far-fetched and extravagant notion, than that any man, in the ordinary use of his faculties, would throw himself into the breach, and wage a war of extermination against the protecting system, with a view to political advancement? Every one must see, that, situated as things are, no man can take such a course, without cutting himself off from every hope of political elevation. The alternative is presented to every southern man to select between the rights and liberties of his constituents, and his own promotion. If they would basely and treacherously surrender the dearest rights of the people they represent, if they would even advise their constituents to submit passively to the oppressive despotism of the majority, the avenue to the honors of this Government would be perfectly open to them. But, sir, as it regards myself, so far from seeking or desiring such honors, no human inducement could prevail upon me to accept of any office under this Government, until the State of South Carolina is redeemed from the colonial vassalage to which she has been reduced, and raised from the condition of a tributary province to that of an independent State. No, sir, if I know my own heart, I would not accept of the very highest office in the gift of the American people, while a system of legislation exists, which it would be my duty to enforce, and which reduces my fellow-citizens to a state of degrading bondage. As God is my judge, I would rather perish in the last ditch, contending for the violated rights of my constituents, than to wave the barren sceptre of power over the ruin and desolation which the unconstitutional and tyrannical legislation of this Government has spread over the fairest portion of God's creation.

Mr. GORHAM, Mr. DAVIS, of Massachusetts, and Mr. BURGESS severally made some explanatory remarks on points of Mr. McDUFFIE's speech, in which they were referred to; after which, the question being loudly called for,

The question was put on agreeing to the amendment offered by Mr. McDUFFIE, and was decided in the negative: yeas, 62—nays, 112.

Mr. BUCHANAN then proposed a substitute for the bill, which he had intimated, some time ago, he would offer, when in order—a substitute which [he said] was, with very little exception, not his own. He had been [he said] for some time negotiating between the Secretary of the Treasury and the chairman of the Committee on Domestic Manufactures, to agree on some effectual plan which would be mutually agreeable and acceptable to all. The result had been the bill which he now offered in lieu of the bill before the committee.

[The substitute embraces a variety of provisions for appointing assistant appraisers, &c., a correct copy of which could not be obtained.]

Mr. BUCHANAN followed his amendment with a number of remarks in explanation and support of the proposition, and in reference to proceedings on the tariff of 1828; which gave rise to some explanations by Mr. CAMBRELENG, and rejoinder by Mr. BUCHANAN.

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Mr. MALLARY made some remarks on the subject, going generally to a concurrence in the amendment of Mr. BUCHANAN.

Mr. MARTIN decidedly preferred the amendment of the gentleman from Pennsylvania [Mr. BUCHANAN] to the bill as reported; and having said this, he would, as a member of the Committee on Manufactures, give a short history of the origin of that bill. The Committee on Manufactures, having before them that part of the President's message relative to the encouragement of domestic manufactures, sought out some object to act upon, and conceived that they found it in that part of the report of the Secretary of the Treasury on the subject of frauds on the revenue. They had brought in a bill upon the subject, which, so far from removing whatever evils might exist in relation to this matter, would be of the most pernicious tendency to our commerce, by rendering the tariff, setting aside the injustice of the system upon which it was based, tenfold more complicated, annoying, and vexatious in its operations. Mr. M. observed, that a correspondence had taken place on the subject of frauds on the revenue laws, with the Secretary of the Treasury, whose letter on the subject he moved the reading of.

[Here the letter was read by the Clerk.]

Mr. MALLARY replied to, and controverted the objections of Mr. MARTIN to the original bill.

The question was then put on the adoption of the substitute of Mr. BUCHANAN, and it was agreed to without a division.

Mr. SCOTT then moved the following amendment:

"That, after the thirty-first day of July next, there shall be paid the same duty on all manufactures of iron and steel, not enumerated, or charged with specific duties, in any of the laws now in force, as is directed to be paid on bar or bolt iron made wholly or in part by rolling, under the act of the twenty-ninth of May, one thousand eight hundred and twenty-eight; and that all such iron shall be liable to the same duty that is charged on iron in pigs."

Mr. SCOTT shortly explained the nature and object of his amendment, which he argued did not go to increase the duties at present existing upon iron, but simply to make a regulation for a due execution of the laws which were necessary for the prevention of frauds upon the revenue. Those frauds were, notwithstanding, perpetrated in the importation of iron of various qualities and descriptions. His amendment would provide against such evasions of the law.

The amendment was adopted—79 to 67.

Mr. HOWARD moved a further amendment in the shape of a proviso, that where iron is imported for railroads, and shall be proved to have been so used, a drawback shall be allowed, provided the duty thereon shall not be less than twenty-five per cent. ad valorem, nor in quantity less than twenty tons.

Mr. CRAWFORD opposed the proposition; and a long debate took place, in which Mr. MALLARY, Mr. SCOTT, and Mr. BUCHANAN participated.

Mr. WAYNE moved the following amendment to the amendment:

Provided all railroad iron, used in the construction of mill carriages, inclined planes, to sugar mills, and upon roads for the transportation of grain, sugar cane, or other agricultural produce, from the fields in which the same may grow to their places of preparation for market, shall be charged with no higher duty than the same now pays.

The question being taken upon this amendment, it was rejected.

After a few remarks by Mr. CAMBRELENG in support of Mr. HOWARD's amendment, it was agreed to without a count.

The committee then rose, and reported the bill as amended.

Mr. McDUFFIE moved that his repealing proposition be

added by way of amendment to the substitute adopted in committee.

Mr. WILLIAMS called for the yeas and nays; and

Mr. BARRINGER required a division of the question, so as that it be taken separately on each member of the amendment.

The question was then put first on agreeing to the following portion of Mr. McDUFFIE's amendment, viz.

"And be it further enacted, That, from and after the 30th of June next, so much of the act of the 19th of May, 1828, as increases the duties on wool manufactured, and on manufactures of wool, or of which wool shall be a component part, be repealed, leaving the duties on said articles as they stood previous to the passage of that act; and that, from and after the 30th of June, 1831, so much of the act of the 22d of May, 1824, as increases the duties on the aforesaid articles, be also repealed, leaving the said duties as they stood previous to the passage of said act."

And was decided in the negative by the following vote: yeas, 68—nays, 120.

The question being stated on the second member of the amendment,

Mr. MERCER rose, and made a few remarks explanatory of the reasons for his course on this subject. They were, generally, that as Congress had, by a course of legislation, given a certain direction to the capital and industry of the country—a misdirection of them, he always thought, and which he had always opposed—and had persevered in that policy, until a vast amount of the capital and industry of the country had been turned into that channel, he could not now vote for retracing the steps thus taken, and bring the ruin and desolation upon the portion of the Union, which would ensue from a sudden change of the long established policy of the Government.

After some animadversions by Mr. CARSON on Mr. M.'s course, and a rejoinder by Mr. MERCER,

The question was put on the following second member of Mr. McDUFFIE's amendment, viz.

"Sec. 2. And be it further enacted, That, from and after the 30th of June next, so much of the aforesaid act of the 19th May, 1828, as increases the duty on iron in bars and bolts, whether manufactured by rolling or hammering, on hemp, on flax, on cotton bagging, on molasses, on indigo, and on manufactures of cotton, or of which cotton is a component part, be repealed, leaving the said duties as they stood previous to the passage of the said act; and that so much of the aforesaid act of the 22d May, 1824, as increases the duty on any of the aforesaid articles, be repealed from and after the 30th June, 1831, leaving the duties on the said articles as they stood before the passage of that act."

And was decided in the negative, without a division.

The third member of the amendment next coming up, it was modified at the suggestion of Mr. BARRINGER, so as to provide for a reduction of the duty on salt to fifteen cents a bushel from and after September next, and to ten cents from and after the 31st December, 1831.

The question being put on agreeing to this amendment, it was carried in the affirmative as follows: yeas, 105—nays, 83.

Mr. WILDE said, as the tariff of 1828 had been denounced on all sides as injurious to the country, he would, without detaining the House with any argument on the subject, offer a motion to test the professions of gentlemen on the subject. He, therefore, moved an amendment to strike out all the amendment of the Committee of the Whole, and insert a substitute, simply repealing, after the 30th of June next, the tariff act of 1828, with the exception of the duty on salt, which he proposed to let stand as just decided by the House.

Mr. WILDE demanded the yeas and nays on his amendment, and they were ordered.

Mr. STORRS, of New York, observed, that, after the

decision of the House on the salt duty, he, as one of the representatives of New York, which State would be deeply affected by the decision, felt it his duty to make a motion, for the purpose of giving members an opportunity for considering what course it was proper to adopt on the subject. He, therefore, moved an adjournment.

The motion was negatived.

The question was then put on the amendment offered by Mr. WILDE, and was decided in the negative: yeas, 68—nays, 119.

Mr. GORHAM now rose, and moved a reconsideration of the vote on the second member of Mr. McDUFFIE's amendment. He had voted in good faith with the friends of protection against what was regarded as a general hostile movement against the tariff. His own original objections to the tariff were known, and his reasons for refusing to repeal it after the system had been established. He had now voted with the friends of the system, against any part of the repeal proposed by the gentleman from South Carolina, even on those articles, iron, hemp, &c. on which he most disliked to continue the duty; but as the decision of the House on the salt duty showed that it was willing to diminish the duty on one article, it was necessary to reopen the subject, and see whether it would not also modify the duty on other articles equally deserving of reduction. He, therefore, had made this motion, and went on to sustain it by argument at considerable length.

Mr. STORRS, of New York, concurred with Mr. G. in his objections to the repeal of the salt duty, and in favor of his motion. The State of New York had been a firm supporter of the protecting system; but let its friends repeal the salt duty, and thus touch one great source of her canal fund, and force her to resort to a direct tax to supply the loss, and gentlemen would find that State not going with them much longer in supporting the other parts of the tariff. He was going on to show the condition of the State duty on the domestic production of salt in New York, why it was imposed by a provision of the constitution; when

Mr. CAMBRELENG called Mr. S. to order. The question on the salt duty was decided, and the argument on it was not in order. If it were, he should take the opportunity of expressing his own opinions on the subject; he should like to address the gentleman's constituents relative to the salt duty, and meet his colleague on the subject.

The SPEAKER. The gentleman is out of order. He may submit his objection, but not argue it.

Mr. CAMBRELENG. If I am out of order, my colleague was, of course.

The SPEAKER. That does not follow.

Mr. STORRS said that his colleague could take the opportunity, when and where he pleased, to address himself to his [Mr. S.'s] constituents; but he now assured him that he would find them fully competent to appreciate justly any thing which he could say to them. He would tell him one thing more, too; that the last thing which would frighten their representative here would be the threat of his colleague, that he [Mr. S.] was to meet him on this or any other question before them. Mr. S. then went on to argue the motion for reconsideration.

Mr. BARRINGER regretted that a measure which promised some little alleviation to the South, should produce so much excitement. The reduction of the duty was voted for, from a sense of its intrinsic propriety, and of duty to the nation at large; and he spoke at some length to show that it was an isolated question, not connected with the tariff question; was no just cause of complaint with those who desired the duties to be removed from other articles; that it ought to be judged and decided by itself, &c. When Mr. B. concluded, it being half after seven o'clock,

Mr. VINTON moved an adjournment; which motion prevailed.

WEDNESDAY, MAY 12, 1830.

The House resumed the consideration of the bill to regulate the collection of the duties on imports, with the depending amendments.

The question under consideration when the House adjourned yesterday, was on the motion of Mr. GORHAM to reconsider an amendment agreed to, concerning the duty on iron, &c.; which motion grew out of the adoption of the other amendment for reducing the duty on salt.

Mr. GORHAM, of Massachusetts, briefly explained his object in making this motion. He considered the vote upon the salt duty as breaking in upon the present system of revenue, instead of regulating its collection, which was the object of the original bill now under consideration. He appealed to gentlemen whether it was possible to pass any bill on this subject at this session, if the whole field of debate was thus thrown open. Mr. G. concluded by saying, that, under this view of the case, if any gentleman would move to reconsider the vote upon the salt duty, so as to make it possible to agree upon any bill upon this subject, he would, to make way for such a motion, withdraw the motion which he had made.

Mr. DODDRIDGE, of Virginia, having intimated a disposition to make the motion suggested by the member from Massachusetts, Mr. GORHAM withdrew his motion; and

Mr. DODDRIDGE moved to reconsider the vote upon Mr. BARRINGER's amendment for reducing the duty on salt.

Mr. WAYNE, of Georgia, asked whether it was the intention of the gentleman from Massachusetts to renew his motion if the pending motion was rejected.

Mr. GORHAM declining to make any pledge on that point—

Mr. WAYNE, taking it for granted that such was the intention of Mr. GORHAM, made a decided speech against the course now proposed, considering it as a mere proposition, call it by what name gentlemen would, of bargain and sale; against which he inveighed with considerable warmth and zeal.

Mr. BARRINGER, of North Carolina, deprecated a protracted debate on this question of reconsideration, and expressed great regret that so much difficulty should exist in obtaining a reduction of the duty on this necessary of life. He dwelt upon the course of the State of North Carolina in reference to this duty and to the tariff generally, and made a very strong appeal to the magnanimity and spirit of conciliation of members from other States to grant this little boon to a State which had heretofore asked for so little, and submitted so cheerfully to the laws regulating the duties on imports, and to the general legislation of Congress. Mr. B. concluded his speech by a motion for the previous question, (which would have been upon the question immediately pending, viz. reconsideration.)

The House refused to second the previous question, by a vote of 98 to 83.

Mr. REED said, that when the vote of the House was taken yesterday to reduce the duty on salt, he was surprised at the result. I feared [said Mr. R.] that I, as well as others, had been remiss in the discharge of my duty, in permitting the question to be taken without discussion. I am aware that the main subject before the House was a bill to enforce the due observance of our revenue laws, and to prevent smuggling and fraud in their execution. An amendment had been introduced into the bill by a gentleman from South Carolina, [Mr. McDUFFIE] materially altering the tariff. We have had, for a number of days, a debate, able and spirited, but of a very general character, investigating the whole tariff principle. I supposed that to investigate the subject generally was the object of the debate, and I had no expectation that any changes in the tariff were contemplated at this session.

The amendment referred to contained a number of articles on which a reduction of the duty was proposed.

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In the discussion before the House, little or nothing has been said as to the policy or expediency of reducing the duty on those articles. Nor has any thing been said as to the effect of the reduction of duty on those articles, either to the manufacturer or consumer. I could not suppose that a repeal of any duty was seriously contemplated, without a more particular examination of the subject. I could not imagine it, because this House have repeatedly expressed a different opinion by their votes, and because they had on the very same day voted entirely different as to other amendments. I hope, then, sir, this House and my constituents will forgive me, if, under such circumstances, I refrained from saying that which, under other circumstances, I should have felt under the highest obligations to urge upon their consideration. I trust it is not too late yet; and I beg the attention of the House while I state, as well as I may be able, the reasons why I think they ought to reconsider the vote of yesterday.

I have been no advocate for the tariff, but I am an advocate for some permanency in duties deeply affecting the interests of all. We must have revenue. We shall not vote for direct taxes. We shall, therefore, continue to raise revenue by duties as heretofore. In assessing this tariff of duties, I have no hesitation in saying it should be a discriminating tariff. It should have reference to the means and wants of the country—to manufacturers and consumers.

Of the tariffs that have passed this House, in my opinion no part of the country has suffered more than that which I have the honor to represent; and I am quite sure no interest in the country has suffered so much as the navigation interest. Without sufficiently examining the subject, I know that interest is severely oppressed by high duties, and it is now compelled to contend with foreign nations under great disadvantages. I, therefore, have always hoped we should modify the tariff of 1828, made under the most unfavorable circumstances.

No subject can be presented to statesmen, of greater difficulty than that of fixing a just and expedient tariff, unless it be the subject of altering and repealing a tariff when made. If we would consult the public good, we must divest ourselves of party spirit. Some gentlemen contend that "we have a right to repeal duties when we please, regardless of the consequences to manufacturers." We have the power, the physical power; but do we possess the moral power? Are we not bound to look with attention and regard to the interests of all, and every part? Whatever might have been our political views or votes in Congress, are we not bound to regard and protect, as far as we may be able, those interests which have grown up in consequence of the laws and regulations of our country? I have always felt and acknowledged these obligations, and endeavored to act accordingly. I have always admitted the rights and claims of minorities; and, in that view, I have always given full weight to the representations of the South. Minorities have rights, and majorities are morally bound to regard them. If southern people are suffering as they represent, and those sufferings result from our tariff laws, those laws ought to be modified. But these are questions which must first be decided; and as prosperity and adversity are but comparative, the interests of the whole and the parts must be carefully examined. Our duties were laid for revenue, but adapted to the situation of the country and the wants of the country, and were calculated to call forth the effort of the country to relieve those wants. If valuable interests have grown up under such a state of things—under the fostering influence of our laws, who would wantonly destroy such interests? I trust, no one. Sound policy forbids frequent innovation upon these subjects. I have no hesitation in saying that, so far as relates to property, our Government is one of the worst possible, unless there be permanency in our principles and policy. No wise man can consider the question, as now

presented, to be what would have been wise and good in relation to the tariff, and decide accordingly. No; a very different state of things is presented. Our great duty now is, to look at the laws, and the interests of the country, superinduced by those laws, and do what is right and expedient. We must view things as they now are.

The interest of every part should be consulted. I am always happy to hear a member of this floor state the situation of his own constituents; and I have never had any hesitation in presenting, as far as I might be able, the situation of those whom I have the honor to represent. In that way we obtain actual knowledge of the situation of the country, and are enabled to act wisely, if we are governed by the knowledge we obtain. The subject now under consideration, the repeal of the duty on salt, either in part or whole, is one of importance to all, and more especially to those engaged in the manufacture. Salt manufactories have grown up under governmental recommendations and governmental encouragement.

As I esteem the early history of our country invaluable, allow me to ask you to go as far back as July, 1775—the very period of the declaration of our independence. No salt was then manufactured in this country. What was the situation of the country in relation to salt, so necessary to life itself? A few recollect; others have heard. I will refer to some short abstracts from the journals of the old Congress, lest there should be doubt in the mind of any one.

In July, 1775, a few days after the declaration of independence, a committee of thirteen (one from each of the States) were appointed to make inquiry for virgin lead, leaden ore, and the best method of collecting, smelting, and refining it; and, on the same day, the same committee were directed, in the recess of Congress, to inquire into the easiest and cheapest method of making salt in these colonies.

December 29, 1775. *Resolved*, That as the importation of any universally necessary commodity, and the exportation of our produce to purchase the same, must give proportionably greater opportunity to our enemies of making depredations on the property of the inhabitants of these colonies, and of occasionally distressing them by intercepting such commodities, it is earnestly recommended to the several assemblies or conventions immediately to promote, by sufficient public encouragements, the making salt in their respective colonies.

May 30, 1776. *Resolved*, That it be recommended to the Committees of Observation and Inspection in the United Colonies so to regulate the price of salt as to prevent unreasonable exactions on the part of the seller, &c.

December 9, 1776. Whereas, in consequence of many complaints that engrossers had distressed the public by raising salt to an exorbitant price, the Council of Safety of Pennsylvania, with the approbation of Congress, took the management of the affair into their hands, and have endeavored, by as just and equal a distribution as possible of the salt imported from time to time, to supply the different parts of the country, yet it is found upon trial, &c. that the remedy has been ineffectual; and, on the contrary, salt continues scarcer and dearer in this port, than when no regulations have been tried: therefore, *Resolved*, That it be recommended to the Council of Safety of Pennsylvania to take off all restraint upon the sale of salt, &c.

June 3, 1777. *Resolved*, That a committee of three be appointed to devise ways and means for supplying the United States with salt.

June 13, 1777. *Resolved*, That it be recommended to the several States to offer such liberal encouragement to persons importing salt, as they shall judge will be effectual, &c. That it be recommended to the several States to erect and encourage, in the most liberal and effectual manner, proper works for the making of salt.

July 17, 1777. That, in consideration of the scarcity of salt, &c. the Committee on Commerce take the most effect-

ual and speedy measures for importing into different parts of this continent large quantities of that article, &c.

October 22, 1777. Whereas there is an immediate demand for the article aforesaid, in the middle district, (referring to other resolutions respecting salt,)

Resolved, That the supreme executive authorities of the States of Massachusetts Bay and Connecticut be respectively requested to assist the Commissary General of Purchases in procuring wagons or teams for removing twelve thousand bushels of salt from the eastern to the middle district, &c., and in removing the salt from thence to such places on the North river as he shall judge most convenient.

The above extracts from the records of the old Congress show most conclusively the situation of the country at that time, and their distress for the want of this necessary of life. They show the anxiety that they felt to introduce the manufacture of salt into the country, and that they used all the power they then had to encourage it.

At that time the manufacture of salt from sea water, by solar evaporation, was commenced in my neighborhood and district. In the beginning, their inventions were crude and imperfect, but the manufacture has steadily advanced, and improvements have constantly been made from that time to the present. No patent was taken, and their improvements have been introduced into Rhode Island, Connecticut, New York, New Jersey, North Carolina, and other places, and may be used by all who feel inclined to use them.

At present, as appears by the return, they have in Massachusetts, and principally in my district, a capital invested in the manufacture of salt, amounting to one million seven hundred and fifty-four thousand five hundred and seventy-six dollars. They manufacture annually five hundred and three thousand six hundred and eighty-six bushels of salt, of the best quality, and fit for any use whatever, fully equal to alum or Turk's Island salt.

Permit me to inquire for a few minutes what has been the legislation of our Government upon this subject.

In the very commencement of the Government, in 1789, a duty of six and a quarter cents per bushel was laid upon the importation of salt. This duty was undoubtedly laid for revenue; but have we not every reason to believe that those men who composed that Congress, and who were in part the same men who composed the old Congress, had a full knowledge and recollection of the acts of that Congress in relation to salt? Had they not a full knowledge of the distress of the country, and the exorbitant price paid for the article? and had they not, in furtherance of the repeated resolutions and recommendations of the old Congress, the intention, by laying the duty, to encourage its manufacture? I cannot believe it admits of doubt. In August, 1790, the salt tax was raised to twelve cents per bushel. In 1797, to twenty cents. This duty was continued until 1807, when it was repealed. The repeal had a bad and almost ruinous effect upon the manufacturer, with very little temporary benefit to the consumer. In the year 1813, the same duty of twenty cents per bushel was laid. This act was limited to continue until one year after the close of the war, and no longer. Hence it has been called a war duty in this House. I perceive not the distinction attempted to be set up, but let gentlemen remember, that, on the expiration of the period limited, in April, 1816, the limitation was removed, and the tax was made as perpetual as any other tax. It has continued from that period until the present. Under the influence of this duty, the various salt manufactories, on the seaboard and in the interior, have been brought into operation. They have been every year increasing. They have been in a great measure successful. New improvements have been added every year in the cheapness and quality of the salt. The capital employed, I think, must exceed eight millions of dollars. It can be used for no other purpose. We manufacture at this time, in the country, nearly five millions of bushels

yearly, and more than half the average quantity used for fourteen years past. The competition in the market on the seaboard, where foreign salt must be brought, has reduced the price very much. It could not be much reduced by a repeal of the duty, and in a few years would be higher if the duty was repealed. Salt is imported principally in ships as ballast. The importer gains little, very little, for freight, for the reason I have given; otherwise, a fair charge for freight would be three times what is now obtained. I regret it, on account of the merchant; but in such a case he ought and must yield his profit for the public good.

It should be understood that the manufacture of salt on the seaboard can be successfully prosecuted with a small capital. Those who are no longer able to pursue the life of seamen, in many cases erect a small manufactory for salt. There are more than eight hundred of these small factories in my district; their salt is taken away in small vessels, and carried to market to various parts of the country. Nothing can be so well calculated to produce severe competition, and thereby reduce the price, as these manufacturers meeting the importer. Their competition with each other, and with the importer, has reduced it to the lowest price, not exceeding thirty cents for fifty-six pounds.

But some gentlemen seem to suppose that the duty on salt is no part of the tariff. What is the tariff? What do gentlemen understand by encouragement to manufactures? Have we any law by which manufactures are encouraged, other than the tariff of duties on the importation of similar articles? Have we any pledge for the permanency of those laws, except it be the wisdom and discretion of Congress? Have I not shown that salt was an article for which the country suffered much in the days of the revolution—that they were anxious then to encourage it—that the laws, from the commencement of the Government, and especially since 1816, more than fourteen years, have had that effect; and are we not to suppose they were intended to have that effect? Is it not an article essential to life, and, therefore, to independence?

Who, then, can say, with any plausibility, that the duties on salt were not intended to bring forward and encourage its manufacture, at least as much as that of any other article in the tariff? How are we to learn what article is to be protected, but from the duties and the law?

Much has been said of the exorbitant price paid for salt in various parts of the country. Yet, by the mercy of a kind Providence, the whole ocean affords the means of producing it, and springs much saltier than the ocean abound in the interior, in various parts of the country; and all now have skill to manufacture salt. The price is not, as it once was, high in any part of the country. Neither the poor or rich are suffering on that account. Salt, compared to its value, is heavy, and transportation expensive. The price, therefore, must, in a great measure, depend upon the distance it is transported on roads, and the character of those roads. But, inconsiderately, the price of transportation is charged to the duty. The price of salt on the seaboard is regular and reasonable. Our duties, in the first instance, if they affect the price at all, can only affect it on the seaboard, where it is imported. How, then, can men expect the relief in the interior so much talked about? I know it may be a popular subject to hold out to a certain class of men, but it is delusive. The price is now low where it is imported. The very duties so much complained of, have contributed to keep it low and prevent fluctuations; and the relief sought by those alone who have occasion of complaint, is sought from a wrong source. Reduce the price of transportation by canals, railroads, or other good roads, and then the object will be effected, and not till then. Then, indeed, will the poor farmer—and no class of men are entitled to higher respect and consideration—find relief. I regret to find so much opposition to this duty from the South. The manufacturers at the

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North take their flour and corn, and would desire to furnish them with salt in exchange. Both are necessities, for rich and poor, and the exchange might be mutually beneficial. It has been carried on to some extent, and was particularly beneficial during the late war.

It has been urged, with great spirit, that certain monopolists have charged an extravagant price for salt, and oppressed the people. I am as hostile to monopolies and monopolists as any man. But one case of the kind, I believe, is known. Where is that? Far in the interior, where a duty of five or ten cents could not in the smallest degree affect the price. Monopolies, in this free and enterprising country, can never exist to any considerable extent, and they will be of short duration. A high price will have the effect to call forth the efforts of the enterprising—new salt springs will be discovered, and transportation will be facilitated—the price will be reduced—good will come out of evil. Our legislation ought not, in the present case, to be influenced by these cases of complaint, because we are legislating for the nation; and if our laws are particularly prepared for the few exceptions named, they will be illy adapted to the wants and interests of the nation; and, beside, it is a perfect answer in the present case, that our legislation could not afford the relief so much desired.

The gentleman from Georgia, [MR. WAYNE] who has just taken his seat, is greatly displeased with the proposition to reconsider the vote of yesterday. He speaks in harsh language, and calls it bargain and sale. Sir, I trust gentlemen will not be deterred from doing their duty by any censure or denunciation from any quarter. Our whole Government, from its commencement to this time, has been a system of concession and compromise. We could not exist if it were otherwise. By compromise, I mean honorable and just compromise—I mean that mutual forbearance and regard to the interests of others which should induce each to yield something of what might seem most for the interest of his constituents. We are legislating for all. The South have called upon us loudly to afford them relief. They complain of great distress. They ask us to yield, to compromise. Distress is comparative, and the relief called for may be questionable—but that the North, the majority, are bound to examine and investigate the subject, I have no doubt. We are bound to examine, because it may be the duty of the North to yield something of their own interest by way of compromise. The various interests of the country are a subject of compromise, and so are the various manufactures of the country. One part of the country produces one article of manufacture, and another part of the country another article. If a reduction of duties be proposed, the whole subject ought to be thoroughly and candidly examined. The subject ought not to be touched under the influence of local or political feelings. The true spirit of an honorable compromise, regarding the good of others as well as our own, ought to influence our conduct. Iron is produced in some parts of the country, sugar in others, lead in others, &c. Shall we repeal the duty, at once, on one of the articles named, because our own part of the country may not happen to produce the article, and, of course, are consumers? If that narrow principle should prevail, we should immediately repeal the tariff on every article. For in the production of what article are one-third of the United States directly interested? We must act upon the principle of mutual compromise, and that liberal principle of political as well as moral duty, which shall induce us to regard the good of others as well as our own.

In application to the subject immediately before us, I do not object to considering the tariff; I think it might be modified, amended, and partially repealed, much for the benefit of all. But this is not the proper course. We should not take one isolated article, and repeal it. By so doing, we should not act liberally, or as statesmen ought to act. I hoped that the tariff would have been modified,

and I believe it might, but for the indiscriminate zeal and unwarrantable violence of a part, at least, of those who manifest great hostility against all manufactures. I think nothing is wanting to effect beneficial amendments, but a temper of moderation and forbearance which will result in mutual compromise.

It has been urged with warmth by a number who have spoken upon the subject, that salt is a necessary of life, used by the poor as well as the rich, and that on that account the duty ought to be repealed. It has been the wisdom and policy of all civilized nations to produce, if possible, within their own country, the necessities of life. Is such policy questionable? Our own wants and distresses, and especially the distress of the poor for salt within the recollection of some gentlemen who now hear me, ought to be a conclusive answer upon this point. The duty paid upon salt for a number of years past, has not increased, although the number of inhabitants has doubled. The manufactories have increased as fast as the people. Destroy these manufactories, and the price of salt would not be diminished, even in time of friendly intercourse with foreign nations, because present prices would not more than pay a reasonable freight, and, if twice the quantity were imported, it could not be brought in ballast, as at present, for little or no compensation; nor would merchants consent to do it, were it not for their manufacturing competitors. But suppose any interruption of our friendly relations should occur, what would then be our situation? Rich and poor, but especially the poor, must suffer as they have done for the want of salt. As an independent nation, we ought not to be subject to such casualties, but we ought to have the means of subsistence within ourselves.

I am ready at any time to examine and revise the tariff. I have no doubt it can be improved; but I protest against taking a single article. No portion of the country has been (in my opinion) so severely taxed as that which I represent; and no interest so severely taxed as the navigating interest. Shall they have no relief? Is salt the only article affecting manufactures, worthy of our notice? I have always believed that we could easily ameliorate the political tariff of 1828, without injury to any interest.

Salt is an essential of life. The importance of its manufacture cannot be questioned. The greater part used is now manufactured in this country. The manufactories are increasing and improving. The price of salt, owing to the competition of manufacturers and importers, is kept pretty steady and low, and will be gradually reduced. I trust, under such circumstances, we shall not repeal the duty on salt, and that the vote of yesterday, which I think passed without mature consideration, will be reconsidered.

The subjoined table shows the quantity imported into the country from the year 1801 to 1826:

A statement exhibiting the quantity of salt annually imported, with the duties which actually accrued after deducting the drawback payable, from the 1st of January, 1801, to the 31st of December, 1826.

Years.	Bushels.	Duties.
1801	2,881,803	576,360 60
1802	3,244,309	648,846 80
1803	2,760,648	552,129 60
1804	2,439,241	487,848 20
1805	2,816,455	563,291 00
1806	3,184,099	686,819 80
1807	3,542,672	515,920 24
1808		
1809		
1810		
1811		
1812		
1813		
1814	379,112	75,822 40
1815	4,268,185	853,637 00

There being no duty on salt after the 31st December, 1807, the records of the treasury will not exhibit the quantity imported in these years.

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1816	4,923,469	984,693 80
1817	2,309,209	461,841 80
1818	2,752,396	550,479 20
1819	2,975,862	595,172 40
1820	4,019,569	803,913 80
1821	3,121,847	624,369 40
1822	3,538,323	707,664 60
1823	4,449,740	889,948 00
1824	3,092,052	618,410 80
1825	3,537,378	707,475 60
1826	3,140,616	620,923 20

Total,	63,376,985	12,525,568 24
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NOTES.

The act of the 10th of August, 1790, laid a duty of twelve cents per bushel on this article.

The act of 8th of July, 1797, laid an additional duty of eight cents, making twenty cents per bushel.

The act of 7th of May, 1800, continues in force for ten years from the 3d of March, 1800.

The act of the 3d of March, 1807, repeals the act of 8th July, 1797, and declares salt imported after the 31st of December, 1807, to be free of duty.

The act of 29th of July, 1813, lays a duty on salt imported of 20 cents per bushel, which duty it is now subject to under the act of 27th of April, 1816.

TREASURY DEPARTMENT, *Register's Office*, Dec. 11, 1827.
JOSEPH NOURSE, *Register*.

Mr. VINTON said: After the repeated decisions of the House, during the present session, against the reduction of the duty on salt, I must confess I did not anticipate the vote of yesterday, on that branch of the amendment of the gentleman from South Carolina [Mr. McDUFFIE] to the bill then under consideration. It was my intention to have given a silent vote on that bill; but considering that proposition to be a blow struck at the whole system of domestic industry, dependent as that system is, and ever must be, upon all its parts for support, I cannot refrain from saying that that vote did not merely surprise me, but filled me with alarm for the safety of the manufacturing interest in general. Could I have at all anticipated the result of the vote then about to be given, I should not have permitted it to pass in silence. The only apology I shall now offer for throwing myself upon the attention of the House, is, that some of my constituents have a direct, and all of them an indirect, interest in this question, and they all would, in my opinion, be materially injured by the proposed reduction of duty. I cannot think the extent of the domestic manufacture of salt, and the importance of that interest, were generally understood, or had been attentively considered by the House, before the vote of yesterday. In the scale of importance, I think the manufacture of salt stands decidedly next after the great fabrics of cotton, wool, iron, and leather. The annual consumption of salt in the United States does not vary very far from eight millions of bushels. Of this amount, about five-eighths are of domestic production. It appears from the last financial report, that the importation of salt during the year A. D. 1828, which went into the consumption of the country, amounted to two million nine hundred and ninety-three thousand four hundred and eighty-six bushels of fifty-six pounds each. The home manufacture may be set down at about five millions of bushels. The report of the Secretary of the Treasury, made at the present session, on the subject of the manufacture of salt, gives the returns of the home manufacture at three million eight hundred and four thousand two hundred and twenty-nine bushels. It will be recollected that, for want of precise information, the amount manufactured in the State of Pennsylvania is omitted. He has, however, collected such data as to justify us in estimating the amount manufactured in different parts of that

State at seven or eight hundred thousand bushels. In the tabular statement of the return from Ohio, I notice a mistake has been committed of sixty or eighty thousand bushels; the return of the manufacture in one neighborhood being eighteen or twenty thousand barrels, which in the table is erroneously set down at that number of bushels only. There are in the district that I represent several manufactories not noticed, which must produce some forty or fifty thousand bushels in all. The Treasury Department, I presume, were not apprised of their existence; and there are doubtless many other small establishments in different sections of the country, of which they have no knowledge at that department. The amount of capital invested in this branch of manufacture may be put down at five millions of dollars, all of which, I shall endeavor to show, will be put in jeopardy by the reduction of duty. The domestic is now rapidly gaining ground upon the imported article. The consumption of salt imported into the United States in the year 1796, when the population of the country was only about one-third its present number, exceeded the consumption for the year 1828, that year being the last treasury return. The importation for the three years preceding 1828 considerably diminished, till, in that year, it fell down to the amount before stated.

How is this fact to be accounted for? Has the consumption of the country diminished in this necessary of life, while its population has been increasing? The true solution is, that the domestic production has been rapidly increasing, and by its competition pressing the foreign salt into narrower limits, or driving it out of market. The effect of this competition is to cheapen the price of the foreign article. It is a consideration of much importance, that the manufacture of salt is more generally diffused through the country than any one of the great interests, the protection of which has engrossed the attention of Congress. Nature has so distributed her bounties in the diffusion of the sources of this branch of manufacture, that no considerable section of the country need be dependent upon another for the supply of this necessary article of human subsistence.

Massachusetts, New York, Pennsylvania, Virginia, and Ohio are the States that take the lead in this manufacture. But there is scarcely a State in any section of the Union, that does not manufacture it to a greater or less extent. On the whole line of our seashore, and especially along the coast of the southern States and Florida, great natural facilities must every where exist for its production, while the interior is supplied with inexhaustible subterranean springs of salt water. Permit me, sir, to direct your attention to the state of this manufacture in the different districts of country where it is carried on, and see whether it can be sustained under the proposed reduction of duty. Among the New England States, Massachusetts is the most deeply interested, having near two millions of dollars invested in that branch of business. The document before mentioned shows that it is there barely a living business, the profits being reduced, at least, to a level with labor in other employments.

The proposed reduction, must, therefore, inevitably ruin the manufacture in that section of country. How will it be in New York, where the manufacture is carried on more extensively than in any other part of the Union? The same document also shows that it is with difficulty the manufacturer can sustain himself. I understand the domestic salt finds its way into the city of New York, and is struggling with the foreign production for that great market.

The domestic competition has so reduced the price, that imported salt will not bear the expense of freight, and comes in almost wholly as ballast; and, coming in this way, it pays little or no freight.

Suppose, sir, you reduce the duty to ten cents, how would the matter stand between the domestic manufacturer and the importer?

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The average value of foreign salt is set down in the commercial report at eight cents per bushel, which, from the best information I can get, is at least its full cost abroad; duty, ten cents; making the cost, independent of freight, eighteen cents. The cost of production at the New York works is eight and a half cents; duty to the State, twelve and a half cents; cost of barrels, five cents per bushel; making the cost twenty-six cents per bushel when ready for market; making a difference in cost, independent of freight, of eight cents per bushel in favor of the importer. The foreign salt comes in bulk as well as in ballast, thus saving the expense of barrels. But the domestic salt has not the advantage of going to market as ballast—it must pay freight and tolls on the canal, and freight down the Hudson to the city. Is it not apparent that, in this state of the trade, the foreign salt would drive the domestic out of the market of New York, and transfer the theatre of competition from the city to the very doors of the manufacturer, and, in any great revulsion of trade, break him down even there?

Permit me, sir, to present this operation in another aspect. The foreign and domestic salt meet and enter into competition in the city; the foreign would pay a duty of ten cents, and the latter of twelve and a half cents per bushel. I say he would pay it, because to the manufacturer it is precisely the same thing whether he pays that sum into the treasury of the State of New York, or into the treasury of the United States. He would pay, then, two and a half cents per bushel more duty than the importer. The cost of the foreign article being only eight cents, the difference is thirty-two per cent on that cost, and is exactly the same thing as if a discriminating duty of thirty-two per cent were imposed in favor of the importer of the foreign product. It is needless to say that such a great and valuable concern must sink in that State, if such an advantage is given to the foreign over the domestic product. The competition is now so closely contested, that the consumer of foreign salt is, in point of fact, relieved from the payment of freight. But suppose the duty reduced, and the domestic manufacturer broken up, what, then, would be the course of trade? The importation would then become a regular business, and salt could afford to pay freight.

A part of the navigation of the country would go into the salt trade for the freight. The consumer would pay ten cents less duty than before; but he would pay ten cents more for the freight, and consequently would find himself precisely where he now is, with this important difference—he has annihilated a large amount of capital, and lost a valuable domestic market. Complaints have been made here of the duty paid to the State of New York by the manufacturers, and they who make them would compel her to repeal it. I understand the duty is pledged by the constitution of the State to the payment of the canal debt, and is therefore immutable, and not under the control of her Legislature. I do not think it a just subject of complaint, so as to justify us in enacting laws to bear upon that fund and upon the constitution of the State. It ought to be borne in mind that the New York canal was the first great enterprise of the kind undertaken in this country. It was important to give it stability to the credit of the State, and nothing could more effectually do that, than the provision in the constitution. The rest of the country, surely, owes that State something for the experience we have all acquired at her expense, and for the moral influence she has spread over the Union by her example. Nor ought the multiplied benefits that almost every section of the country derives from her canals, to be wholly forgotten here. Passing on from New York to Pennsylvania, we find her salt manufactories situated in the western district of that State, and directly on the line of the canal now constructing over the Alleghany mountains, to unite the waters of the Atlantic with those of the Ohio

and Lake Erie. The cost of production is supposed to be about twenty cents, say twenty-five cents per bushel, including the barrel.

There can be but little doubt that if the present duty is retained, the salt of western Pennsylvania will, so soon as this canal is opened, compete with the imported article for the market of Philadelphia, precisely as the salt of western New York now does for the market of the city of New York. Should this be the case, the tolls and transportation arising from the business will be of no inconsiderable importance to that State. It is therefore the undoubted interest of Pennsylvania to sustain and foster its manufacture? Going still further west, the principal seat of this description of manufacturing interest in that section of the United States, is on the banks of the Great Kenhawa, in western Virginia. Manufactories on a small scale are found on the Ohio, the Muskingum, and in many other parts of the western country. The manufacture on the Kenhawa amounts to about a million of bushels per annum. I believe the production has, under peculiar excitements, gone much higher than that amount, reaching a million and a half; but the result was a very general bankruptcy of all who were engaged in the business. Taking all the manufactories in the western country, in the aggregate, the average cost of production to the manufacturer may be set down at about twenty-five cents per bushel, when packed in barrels ready for market. Let the duty on salt be reduced to ten cents, cost of foreign salt eight cents, freight at half the cost, say four cents, and the cost of foreign salt in New Orleans would be twenty-two cents per bushel. The cost of production at the door of the manufacturer, when ready for market, would be, at least, equal to the cost of the foreign salt in New Orleans to the importer. Now, sir, permit me to inquire, how would this trade operate in that state of things? In the first place, the foreign salt is considered the better article, and, consequently, would take possession of the market at the same price. In the next place, it becomes material to look at the geographical position of these manufactories, their markets, and the means of transportation. These establishments are situated on the very margin of the navigable waters leading into the Mississippi.

Their products descend the Ohio, and ascend its tributaries, penetrating into the heart of Indiana, Kentucky, Tennessee, and I believe into the country bordering on the Mississippi, meeting the imported salt, and competing with it on that river. The transportation is now mainly by steam. The amount of steam tonnage, now very great, is every year increasing, and has a constant tendency to overdo itself. What would be the operation on all that vast theatre that may be denominated the middle ground between the manufacturers of the upper country, and the importer of salt at New Orleans? The descending cargo consists chiefly of bulky agricultural products, while the return freight is composed of manufactured articles, occupying much less space. It is therefore apparent, that, in the regular course of business, and in that state of things to which that navigation is fast approximating, the amount of tonnage required to perform the descending will far exceed that of the ascending navigation. To make up this deficiency of freight, salt would be carried up the river at almost a nominal price; (at least at a freight not exceeding the price of downward freight); and, coming into New Orleans in the first place as ballast, and then up the Mississippi and Ohio from a similar necessity, there can be nothing plainer than that the manufacturers would be overwhelmed with a flood of foreign salt at their very doors, whenever the steam navigation went a little beyond the business of the country, which an active competition gives it a constant tendency to do. It is needless to add that the manufacturer must sink under this state of things, and, when once down, could never rise again. These manufactories are indeed far in the interior; but, in the present

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state of steam navigation, distance is almost annihilated, and the perfection to which that navigation will no doubt shortly arrive, will place them in almost the precise situation they would be, if a navigable arm of the sea put up to them from the Gulf of Mexico. I am fully convinced the proposed reduction of duty would greatly endanger, if it did not destroy, the capital now invested in that section of the country. While the farmer would lose the valuable market which these establishments create for his products, he would, at the same time, be compelled to pay more for his salt than he now does. To the manufacturer, the capital employed would become in a great degree valueless; he could not convert it to any other use, as some gentlemen seem to imagine. For example, he has a well perforated into the bowels of the earth, through solid rock, three, four, five, and even six hundred feet, until he strikes the saline water. What could he do with this expensive hole in the earth? To what other business or use could he transfer it? Certainly to none.

While speaking of the salt manufacture in the West, I beg leave to direct your attention for a few moments to a topic of a local character, connected with this subject. The district of country along on the Ohio, and particularly at Cincinnati and its vicinity, is largely engaged in the export of pork to New Orleans, and from thence to other ports. The salt manufactured in the interior does not answer the purpose of pickling for exportation as well as the coarse imported salt. On that account, pork goes to New Orleans imperfectly pickled, where it is repacked in foreign salt at a considerable charge. Now, sir, I noticed that my colleagues from that immediate neighborhood voted, yesterday, to reduce the duty on salt, thinking, no doubt, the reduction would have the effect of transferring the business of packing from New Orleans to Cincinnati. The object is certainly very desirable. But, if my colleagues will pardon me for presenting a single consideration to them in particular, I think I can satisfy them that the proposed reduction of duty would not effect their object. Let the duty be reduced ten cents, and we will suppose a corresponding reduction would take place in the price of salt. You have changed the actual price both at New Orleans and at Cincinnati; but the relative price remains unaltered.

The packer, who pickled a barrel of pork in foreign salt, at Cincinnati, New Orleans, or Boston, would pay precisely the same amount of duty, whether that duty be ten or twenty cents. By the reduction, therefore, the packer at Cincinnati gains no advantage over the packer at New Orleans. The relative price must change in favor of Cincinnati, before the packer can have any inducement to transfer his business from New Orleans to that place. If you can practically annihilate the space between the two cities, or make an approach to it; in other words, if you can get rid of the burden and cost of transportation between New Orleans and Ohio, you will then change the relative price of salt, and effect your object. As things now are, the packer must pay the freight of his salt up the river, and then pay freight back again on the same salt after it is converted into pickle. To avoid the payment of these two freights, it is his interest to use the foreign salt at New Orleans instead of Cincinnati. The proposed remedy most obviously does not reach the evil.

It is my belief that domestic competition reduces the price of salt, every where, below what it would be if it came into the country duty free, without that competition. From the close of 1807 to 1813, salt paid no duty, and I am informed that during that period the price was higher than it has been since, and more fluctuating. I have but one consideration more to present, and that addresses itself to the good faith of the nation. It has been said the duty is a war duty, and ought to be repealed on that account. Such is not the fact—the act of 1813 expired of its own limitation a year after the war, and was revived in

1816, a period when the revenue of the country was prosperous and abundant beyond any precedent. That was the year when the foundation was laid of the whole protective system, and this duty must have been imposed as a protective duty. The duty has existed now for seventeen years without interruption, and in the mean time a large capital, confiding in the faith of the Government, has gone into the manufacture. To force them to change their occupation, is, in my opinion, not only impolitic, but cruel in the extreme.

Mr. DODDRIDGE said, he must ask the attention of the House to a few remarks, by way of explanation. They will be brief, [said Mr. D.] as the state of my health at present would forbid an exertion, were I disposed to make one, and as the argument of my friend from Ohio [Mr. VINTON] has nearly exhausted the subject.

I must confess that a want of that knowledge of financial detail which more experienced members of this body possess, led me to vote yesterday evening for the proposed reduction of duty on salt. I did this on account of the manifest urgency of southern members. My mistake is not to be wondered at, when it is considered that, though not a young man, I am a young member of this House, and that neither my private pursuits nor public duties ever before imposed on me the necessity of acquiring that intimate acquaintance with the operations of our commercial and fiscal systems, and their minute details, which are necessary to the merchant, the manufacturer, and the statesman. My attention heretofore has been turned to the general principles alone, on which our systems of revenue and protection are founded.

Perceiving the great excitement of hope on one side, and alarm on the other, produced by the vote which I proposed to reconsider, I have availed myself of the short time that has elapsed, to consult some of the public tables and official documents that have a bearing on the subject; and I am now satisfied that a reduction of the duty in question, at the present time, would be prejudicial to the public interests, and, in a peculiar manner, destructive of those of my constituents.

I did not know, before now, that a capital of so many millions was vested in the home production of this article of first necessity, nor that, of the whole amount of salt imported from other nations, three-fourths parts come from the ports of Great Britain and her dependencies—from those very ports which are sealed against the introduction of our bread stuffs and other provisions. From all other nations we import into the whole United States a quantity but little exceeding the produce of the Kenhawa works.

I can recollect to have seen in my county twelve dollars given for a bushel of alum salt. I recollect when the price of that article was reduced to eight, and to five dollars, by the improvement of our mountain roads. To the best of my recollection, the price stood at about three dollars, until the Kenhawa and other works displaced the foreign article from our markets and consumption. I remember the time when twenty-four bushels of wheat would not pay for more than one bushel of alum salt; and I have seen the price of salt so reduced, that a barrel of it would not pay for a barrel of wheat flour. And this great and beneficial change is the result of improvements in the modes of conveyance, and of the protection afforded to home production by tariff laws—by the imposition of reasonable protecting duties on foreign importation. Were we to exclude foreign salt altogether, we could produce the quantity necessary for the whole consumption, without inconvenience. In the western country, the exclusion of foreign salt has been so effectual, that, in more than half of my district, I do not suppose that one bushel of foreign salt has been consumed within the last fifteen years. The reduction in price would continue, except at a particular place, if foreign salt were entirely excluded. Home producers are so numerous, and so scattered over the country,

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as to create that competition which is the life and soul of all manufacturing and producing operations.

Nor is this reduction of price the only benefit the farming and other consuming classes have derived from the protection given to home producers. The home manufacture produces a constant supply, to be had in any quantities, large or small; and as the produce of our farms and shops enter into the consumption of the manufacturers of salt, this indispensable article of daily use can be had at every village, at any time, and in any quantity, and can be purchased and paid for, at a reduced price, by our own produce or manufactures. Salt has thus become a constant article of trade and exchange in the interior commerce of the country. Nothing can be more obvious than the truth that these incalculable benefits are the fruits of our system of protecting duties, in modern times called the American system. And shall I be asked to surrender these advantages, in order to admit the productions of that country which excludes ours, by a permanent system from which she never relaxes, except when compelled to it by necessity?

The principal staples of my district are bread stuffs, beef, pork, and manufactured articles. These are, by England, excluded from her West India ports in our neighborhood, while the friends of free trade, as they style themselves, would import from those places at which our pork and beef are prohibited, the very salt with which the prohibited article is cured. Such a trade would not be reciprocal, and would be ruinous to western agriculture. I admit that the immediate effects of a reduction in the duty on salt would be a diminution in the price of the article. This diminution in price would continue until our own establishments would be ruined and abandoned, and our dependence on the foreign English supply again restored, when the price would be increased, as formerly, at the pleasure of foreigners, and when cash would be demanded in payment, and the supply rendered precarious by all those accidents and vexations attendant on foreign commerce.

Those who now live by the manufacture of salt have their capitals vested in their wells and furnaces, their kettles, and other implements and fixtures, and in sums necessary to carry on their business. Reduce the duties on foreign salt, and that article will ascend the Ohio at such reduced prices as to fall below the actual cost of producing it at home. When this is done, the owners must abandon their works, and vest their capitals in other pursuits. For a short time, our supply from abroad might be regular and cheap, and might continue so until the domestic manufacture would be every where abandoned; and then we would be inevitably compelled to purchase at higher prices, in an uncertain market, for ready cash, instead of articles of domestic growth and the fruits of our own labor. If we wish to secure our salt at low prices, we must discourage importation from abroad, and encourage that competition at home which has succeeded to the utmost of our wishes.

The gentleman from Georgia [Mr. WAYNE] has spoken of our system (including, I suppose, the motion I have had the honor to submit) as one of "bargain and sale," and having a necessary tendency to corruption. I understood him as having particular reference to the speech of the gentleman from Massachusetts; [Mr. GORHAM] but, whether to that gentleman or to myself, in as much as the gentleman from Georgia concluded by saying he meant no disrespect, I suppose I have no cause to complain. These words, therefore, of "bargain and sale," are not understood as conveying any personal reproach, in the vocabulary of the day. But, whatever the gentleman from Georgia may think of my course here, or by whatever epithets describe it, that matters me but little, as neither the opinions or epithets of others can "pick my pockets, or break my shins."

According to the doctrine of some, all concessions and compromise in legislation are immoral; whereas it is a universal maxim, acknowledged by the wise in every country, that all wise and beneficial legislation must be the result of mutual concession, of mutual forbearance, and of compromise. Where a country is so large as to embrace a great variety of climate, of soil, and of pursuits, it is impossible to legislate wisely, without much consultation on the separate interests of each. In seeking to render our agriculture and manufactures independent of foreign intermeddling, it was thought necessary, in the infancy of those interests, to foster and encourage them by the imposition of high duties on such articles imported from abroad as might come into advantageous competition with them in our consumption. To afford this universal protection has been the aim of this Government, from the year 1789 to the present time; and no portion of the United States pressed this policy sooner, or more earnestly, than the southern section.

Yesterday evening, it was plainly discoverable, that, should we give up the protection of the great capital vested by New England and New York in the manufacture of salt, we would be in danger of losing the efforts of those States in furthering that protection which is indispensably necessary for our interests in the West; and in so far as, on that account, we may be more disposed to protect our eastern friends, we are to meet the censures of the South. Like the gentleman from Vermont, [Mr. MALLARY] I understood the gentleman from Georgia [Mr. WAYNE] as holding out a hope to some of the friends of the tariff, that, if they would persevere in the reduction of duties on salt, he might be induced to vote for the bill under consideration, the passage of which every real friend to domestic protection has so much at heart, and to which the gentleman from Georgia had appeared to be so much opposed. The gentleman from Georgia, however, says he was misunderstood in this respect, and I therefore do not press the remark further than to say, that, understanding the gentleman, when he was up, as throwing out this inducement, I did not censure him for that course. I thought it perfectly fair, but considered it as very inconsistent in him to censure in others the very course which I thought him openly pursuing himself. This opinion I cheerfully withdraw, because the gentleman's explanation removes the grounds of it, and convinces me of my mistake as to him.

But, however censurable it may seem in the eyes of some of our opponents, that, in legislation, members should concede any thing of their views, measures, and wishes to others, in return for mutual concession on their part, it is evident to me that some of our opponents do not concur in this opinion, but actually practise what others of them seem openly to condemn. This morning, a friend of mine, whose seat is near me, [Gen. FINDLAY] and who, in relation to the protecting system, differs with me in nothing but the policy of reducing the duties on salt, informed me that one gentleman, (whom he named,) if not two or three among those opposed to us, would vote for our tariff law, if we would retain in it the clause reducing the duty in question; and that gentleman will so vote, and with that expectation. I did not inquire how my friend obtained this assurance. I suppose he had it from him, or those alone, able to give it; and, if so, I looked upon it as fair play. It would be the result of a calculation of the choice between supposed evils.

I feel compelled to take a respectful notice of the remarks of a gentleman from North Carolina, [Mr. BARRINGER] in relation to my vote yesterday evening, and my motion to-day, which has given rise to the present discussion. That gentleman has made an allusion to the kiss and treason of Judas. I am at a loss to know whether he meant to be witty or satirical. If wit was his object, he failed: for I could not perceive that a single smile was elicited in the hall. Should I presume, as that gentleman did, to offer an

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advice not asked for, I would say, that, whenever he attempts to extract his sallies of wit from a record, the most awful and instructive that the mind of man can contemplate, he will exhibit himself in bad taste before a christian audience. But if satire was intended, and the gentleman meant both to assail me, and, at the same time, to give us a sample of his magnanimity, he was signally successful. Having cast his arrow across the hall at me, he most magnanimously demanded the previous question; which would shut my mouth from this explanation, and from a reply.

Mr. THOMPSON, of Georgia, rose, and observed that in all the debate he had heard nothing new on the question; and, as further debate could be of no use, he moved to lay the motion for reconsideration on the table, and demanded the yeas and nays on the question; but withdrew his motion at the request of

Mr. MCCOY, who promised to renew it when he had made a few remarks in favor of adhering to the reduction of the salt duty. Having done so, he renewed the motion made by Mr. THOMPSON; and

The question being put on laying the motion to reconsider on the table, it was decided in the negative: yeas, 95—nays, 102.

Mr. POLK made some remarks in favor of the reduction, and explanatory of the history of the duty on salt laid from time to time; and believing that enough had been said, *pro* and *con*, and as much as the time of the House could afford, he concluded by calling for the previous question.

Mr. WAYNE moved a call of the House; but the motion was not sustained.

The motion for the previous question was seconded by a majority of the House; and

The question being taken by yeas and nays on the call of Mr. CAMBRELENG, it was carried—171 to 25.

The main question (being on the motion to reconsider the vote on the amendment reducing the duty on salt) was then put, and decided in the affirmative by the following vote: yeas, 102—nays, 97.

The question then recurring on the amendment proposing to reduce the duty on salt,

Mr. McDUFFIE modified the amendment so as to defer the reduction to fifteen cents to the 1st of September, 1831, and the reduction to ten cents from and after the 31st of December, 1832.

The debate was now renewed, and continued with unabated animation and occasional pungency during several hours.

Messrs. CAMBRELENG, DRAYTON, BARRINGER, ANGEL, SEMMES, CRAIG, of Virginia, JENNINGS, WILDE, and LEA advocated the amendment, and the propriety of reducing the duty; and Messrs. SPENCER, of New York, MALLARY, STORRS, of New York, IRVIN, of Ohio, TEST, DAVIS, of Massachusetts, and REED opposed the amendment for various reasons; some, because they were opposed to the reduction as impolitic, and would not diminish the price to the consumer; others, that it was improper, connected with this bill; others, that it would put the bill itself in jeopardy, though they were not opposed to the repeal of the duty, if it were an unconnected proposition. For the reason last mentioned, Messrs. RAMSEY and MILLER stated they should vote now against the amendment, although they yesterday voted for it.

[The following were the remarks of Messrs. ANGEL and LEA.]

Mr. ANGEL said, he must crave the indulgence of the House for a few moments, while he would state briefly the reasons which would govern his vote on this occasion. I am [said Mr. A.] the more disposed to do this, because I am constrained to differ from many of my colleagues; those with whom I have generally acted, whom I greatly esteem,

and for whose judgments and opinions I entertain the greatest respect. Under these circumstances, my course may seem singular to some, and I therefore desire to state the reasons which not only induce, but oblige me to take it.

My first objection rests upon general principles. The real, absolute necessities of life ought not to be taxed, unless there be some strong and urgent necessity for it; and then no longer than the necessity for the tax continues. Here the tax on salt is unnecessary: the revenue is abundant without it.

Salt is an absolute, natural, and real necessary of life—other things may, from use, be thought necessary, as tea, coffee, sugar; but salt is, in its nature, a real necessary to life—and one without which life and health cannot be maintained. It is absolutely necessary to animal life and health. Horses, cattle, and sheep must be fed with it; and immense numbers of them die yearly for the want of a sufficient quantity of it. On such an article, is it proper then to retain a duty of twenty cents on a bushel? More salt should be used: more would be used if it was cheaper, and it should be made as cheap as possible, by freeing it from taxation.

The poor man, for himself, his wife, and his children, must consume of salt, and pay of his tax, as much as the rich man, for himself, his wife, and children—and as the poor man's family is often the most numerous, he must pay the most of the tax. You make him pay the more, exactly in proportion as he is less able than the rich man. This is contrary to all principle. Taxes should be levied on men according to their ability to pay. Is it too much to relieve the poor man, by reducing this tax at first to fifteen, and afterwards to ten cents on a bushel? I do not say these things to court popularity with the poor. I say them because eternal justice proclaims them to be right, whether they be popular or unpopular.

A few days since, we passed a bill reducing the duties on tea and coffee, because these are supposed to have become necessities, and are used by the poor as well as by the rich. There were only six votes against that bill; and will any gentleman tell me that salt is less a necessary than tea, coffee, or cocoa, or less consumed by the poor?

On principle, therefore, salt, as a natural necessary of life, ought not to have been taxed twenty cents a bushel, or two or three times as much as its foreign cost; and the reduction of the tax to ten cents a bushel is but slow and partial justice to the public, as the tax will still be equal to the expense of making a bushel of salt at the Salina, or any good salt works.

It is said that the reduction of this salt tax will be a serious injury to the State from which I come. If I believed this, I would be the last man to vote for it. I can have no inducement to wrong that State—my home is there—my friends are there—all my interests and all my attachments are there—and I can only wish her prosperity. I hope to show, as I am satisfied is the fact, that the State cannot lose by the reduction of this tax, which will profit every citizen of that State.

At present, New York herself levies an excise duty of twelve and a half cents on every bushel of salt manufactured at the salt works in that State. My colleagues allege that, in this manner, the State, by a tax upon her citizens, raises a revenue of about one hundred and fifty-seven thousand dollars towards her canal fund: that, if the United States reduce their duty on imported salt to ten cents a bushel, the State, in order to save the manufacturer, will be obliged to reduce her duty on domestic salt, and, instead of this revenue, impose a direct tax to pay her canal debt. Every part of this deserves examination.

If the United States reduce the duty on this article, it will save exactly so much to every citizen who uses foreign salt; and the State will undoubtedly amend her laws and constitution so as to reduce her tax on salt, which will be a saving to that amount to every citizen who uses domestic salt.

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The Tariff.

[H. OF R.]

If by these means the canal fund loses one hundred and fifty-seven thousand dollars, do not the citizens of the State gain it by their exemption from the payment of the tax? Because, after all, very little of this salt tax is collected from the citizens of other States. Is it not nearly all paid by the citizens of New York? Do they not consume more than nine-tenths of all the salt manufactured in the State? What can a State gain by taking from the citizen his earnings and property by taxation? When gentlemen talk of enriching the State by taxing the people, do they think that taxes do not make the people poor? If the salt tax costs the people who pay it nothing, by increasing it four or five fold, you might, according to their argument, make the State very rich, and pay off the canal debt in a few years, without injury to any body.

Let us look at the other side of the picture—take away the tax, the doing of which, gentlemen say, will impoverish the State, and then see what will be the condition of the citizens. If the State loses one hundred and fifty-seven thousand dollars by the abolition of the tax, it as certainly follows that the citizens gain the same amount. The State is the corporation—the citizens are its members; and when the members are required to pay a sum for the common benefit, the share required of each should be in proportion to his amount of stock in the company. This is plain; it is every day's practice in the pecuniary regulations of corporate bodies; and what Government would ever charter a company with authority to compel the holder of one share to pay as high a tax as he who holds twenty shares? This is the operation of the present salt tax. The poor man, not worth a dollar, pays as much towards its aggregate amount as the wealthiest man amongst us.

If, as is conceded on all hands, the State must and will reduce her salt tax if the United States reduce theirs, how can the manufacturer be injured by it? Foreign salt will cost abroad some six or ten cents; to this there must be added freight, insurance, and importers' profit, and the United States duty will still remain ten cents. The price of domestic salt, free from the State tax, would be only ten cents or less at the salt works. It is therefore utterly impossible that the foreign salt should ever compete with the domestic salt, unless the State should obstinately refuse to relieve its citizens from this burden—and there is not the least foundation for supposing that the State would delay to perform a duty so agreeable and profitable to her citizens.

If the State tax on salt was reduced, (as it would immediately be in effect, and shortly in form,) the salt manufacturers could sell salt at the works for ten cents a bushel, instead of the present price of twenty-two and a half cents, including the State tax. More of it would be carried east, and sold in Vermont, and in the Hudson river and Mohawk counties—more would go west, on the canal, and find a market in west Pennsylvania, Ohio, Michigan, and Canada—more would go north, on the canal to Oswego, and find a market in our northern counties and in Canada. In this manner, the salt market for our manufacturer would be enlarged, and his profits increased; while the price to consumers would be reduced, and the increase of transportation of the salt, and of the pay for it on the canals, would, by the increase of tolls, go far towards remunerating the canal fund for the loss it would sustain by a reduction of the salt duty.

At the time the constitution of our State was amended, and this salt tax was pledged to the canal fund, the canals were unfinished; and I do not war with the convention for their endeavors to secure the credit of the State. Still the people, many of them, objected to the constitution—they demurred to the salt tax. At that time I was with them; and can speak of the opinions of many in the western part of the State, from personal observation. The constitution was presented as a whole, and the people were obliged to adopt it as a whole, or reject it altogether. It

contained many provisions which they desired to secure; they wished to abolish the old council of appointment, to reform the judiciary, and to extend the right of suffrage. They were told, and regarded it as a pledge, or promise, that the canals would go on successfully, soon be completed, and the tolls would be more than sufficient to extinguish the debt; and that, as soon as a little experience could be had on the subject, this salt tax should be reduced or repealed. They believed this, and adopted the constitution; but if they had been told that this tax must be perpetual, they would have rejected the tax and constitution together. If this tax of twelve and a half cents on a bushel of salt, in favor of the canal fund, had been the only amendment proposed to the constitution, would not the people, I ask my colleague, have rejected it by an almost unanimous vote?

The State salt tax, like the United States salt tax, is very unequal and unjust—a repeal or reduction of both is called for by the interest of the people.

The New York canal debt is the debt of the whole State. The salt tax there is thrown into the canal fund to pay that debt. But the State salt tax is not paid by all the people of the State, but only by about two-thirds of them. Of these, many are obliged to pay who use the canals but little, and who are rather injured than benefited by them. The other third of the population of the State consumes imported salt; pays nothing into the canal fund; but pays twenty cents a bushel on salt to the United States. Thus the people of that State are taxed, (two-thirds of them,) say one hundred and fifty thousand dollars towards the canal fund; and to enable the State to tax these two-thirds to that amount, my colleague would compel the other third to pay twenty cents on every bushel of salt they consume, into the treasury, to be laid out in internal improvements in other States. Here is a double taxation; and one part of the State is to be employed as the instrument to fix this tax on the other, instead of joining, as I think they should, to reduce both taxes. If the tax were reduced, all would get their salt cheaper than they now do. If the United States tax on salt be reduced ten cents, that of the State will follow, and every consumer will obtain his salt ten cents cheaper than he would if the tax were continued. And yet I am told that the people of New York will be injured by reducing their taxes! I have yet to learn that men grow rich by being taxed, or that they become wealthy by having their money taken from them. I have heard much said upon this floor in favor of heavy taxation—I have heard gentlemen say that it would replenish the stores and increase the wealth of the country; that the individuals composing the nation would be enriched and rendered happy by it. It would seem from their doctrine that an extravagant system of taxation was a kind of *cornucopia* provided by the magic of Government, to supply the wants and gratify the avarice of every class of citizens. Sir, I cannot understand this kind of logic; but when I am brought to believe as those gentlemen do, then I will vote with them, and not before. I have spent my days with the people of New York, and will never injure them. I know they do not deserve it. They have borne burdens without murmur. Can any man complain that I injure him, when I wish to reduce his taxes?

Sir, I represent a farming district. My colleague [Mr. STORRS] seemed to think that the gentleman from New York [Mr. CAMBRELENG] knew nothing about the interests of the agriculturist, because he comes from a city. I am, in part, a farmer myself—I was brought up at the plough—I know the worth of a dollar, for I have labored with my hands to earn it. Through life my associations have been with those who procured their livelihood by honest labor—my life has been spent with a people who earn their bread by the sweat of their brow, and I know and understand their feelings and their interests. My constituents are industrious farmers—they pursue the path

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The Turiff.

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of honesty, and avoid all juggling speculations. They pay their debts and their taxes too; and they well know what labor it costs to meet all the exactions upon them. Such are the men for whom I go, and such are the men whose interests should be protected—and I know of no better way to protect them, than to relieve them, if I can, from this taxation.

This State salt tax is peculiarly oppressive upon my district. That district can use the canals but very little, and they are believed rather to have injured than benefited it. Be this as it may, such is the opinion of many good judges of the value of property; and it is certain that many business men have been drawn from that county to the canals, with considerable capital; and that the prices of real estate, and other articles in the market, have greatly depreciated. Meanwhile, that district, which is a single county, consumes more than thirty-five thousand bushels of domestic salt, and thus pays into the canal fund a tax of from four thousand dollars to six thousand dollars a year; and at the same time every citizen of the county who transports any one article on the canal, must pay as great tolls as those who, residing elsewhere, either enjoy greater benefits from the canal, or pay nothing of this salt tax. My constituents are willing to pay any rate of tolls necessary to the canal fund, so far as they use the canal—they are willing to pay for whatever they use; but it is unjust to tax them with burdens which, though beneficial to others, are only injurious to themselves. And I wish to reduce the United States tax on salt, as the only and best means of procuring that reduction of the State duty on salt, which our agricultural and laboring population every where desire and deserve.

But, sir, my colleague, [Mr. STORRS] to deter the New York delegation from voting for the reduction of this salt tax, declares that that reduction will drive the State of New York to a land tax, to supply the place of this salt tax to the canal fund. What an odious argument! What is this but to say to the citizens of the State of New York, if you rid yourselves of the salt tax, the yoke of a land tax shall be fixed on your necks? Shall I use such an insulting argument to the citizens of my district? Shall any man say to them, you shall bear either a salt tax or a land tax? Sir, they ought to hear neither.

And, sir, is it true—is there a shadow of truth in it, that the loss of this salt tax will ruin the great State of New York, and drive her to a land tax to support the Erie and Champlain canals? These are the best canals in America; are located on the easiest and cheapest routes—connect the most extensive natural navigations on this whole vast continent, traverse the most fertile districts, and bear on their bosoms the industry and products of every clime, and of millions of people. After boasting, as he did, a few days since, of the utility and profits of these the most useful works of the age, shall he tell us, and ask us to believe him, that these canals, such as I have described them, cannot support and pay for themselves; that they are so lame, impotent, and feeble, that the loss of this excise of twelve and a half cents on a bushel of salt, extorted alike from the rich and the poor, will force New York to burden her citizens with a land tax to support them? What, sir, a direct tax to support the best canals in the world! Is this true? How does it tally with that gentleman's arguments in favor of internal improvements? Did he not, a few days since, entertain us with a discourse to prove how very profitable these works are, and how soon they would pay for themselves? And now, forsooth, the State of New York is to be ruined by the reduction of the tax on foreign salt to ten cents, which still leaves the enormous duty of one hundred per cent. on that necessary article of life.

But let me quiet the gentleman's unhappy alarms. He has himself hinted at the manner in which, if the State lose the salt tax, it can easily, and without injustice, supply the deficiency of the canal fund. That gentleman has told us

that, if the account should now be taken between the New York canals and western Vermont, western Pennsylvania, Ohio, and Michigan, they would be found indebted to New York for the reduction which her canals have effected in their transportation, "thousands, and hundreds of thousands." Yes, sir, I appeal to every honest man, let him reside where he may, ought not they who enjoy the benefit of these canals to pay for their construction and repair? Would any man partake of the banquet, and meanly skulk off and leave others to pay the bill? If Vermont, Pennsylvania, Ohio, and Michigan have had, and will forever have, profits, "thousands, and hundreds of thousands," as my colleague [Mr. STORRS] says, in their cheaper transportation, would they—could they decline such a moderate increase of the canal tolls as would supply this deficiency, in the event of there being any? I think they could not—my constituents will freely pay the increased tolls—it would be a pitiful increase. The tolls are now more than eight hundred thousand dollars, and an increase of one dollar and fifty cents on each hundred dollars of the present tolls would replenish the fund.

For these reasons, and others which I cannot now detail, I am of opinion that the salt tax of the United States ought to be reduced, as an act of justice and sound policy to all the citizens of the United States. I believe, too, it will lead to a reduction of the New York State excise on salt, beneficial to all the consumers of domestic salt manufactured in that State, and ultimately extending the market for that article, and, therefore, beneficial to the manufacturers of it.

Some believe that to tax is the best mode to improve the wealth and riches of men; but I believe taxes to be the worst enemies to industry. A tax which indiscriminately presses upon the weak and the strong; which adds to the miseries of poverty; which takes from the food of the hungry, and diminishes the scanty stores of the needy; which lays the widow and the orphan under contribution, and preys upon the substance of the halt, the maimed, and the blind, is unworthy of the countenance of a free and liberal Government. The small sum of twenty cents, exacted by the Government of the citizen, as the price of his license to use a bushel of salt, may appear trifling and of little consequence to gentlemen enjoying high salaries, or drawing ample wages in the service of the Government; but to the poor laborer, whose wages are less than fifty cents per day, this tax is onerous, and he feels and groans under the weight of it. I am not the friend of useless taxation, and so long as I enjoy a seat upon this floor, it shall not receive my support.

These are my sentiments, and I should be a hypocrite if I concealed them. Popular or unpopular, they have their source in an honest conviction of their rectitude. Let them put me up, or put me down, I will abide by them.

Mr. LEA said he did not rise to make a speech, but to ask for the reading of two letters, which he had in his hand, contained in a document reported to this House by the Secretary of the Treasury during the present session of Congress. These letters are from gentlemen of first respectability,* one of them interested in the salt works referred to, and the other intimately acquainted with those concerns. They speak of the salt works on Holston river, in Virginia, and give us some facts worthy of our attention, when honorable gentlemen tell us here that the present duty of twenty cents a bushel on foreign salt is necessary to protect our domestic manufactures, and even argue gravely that salt is cheaper on account of the duty. We are told that some salt works will be destroyed if the duty should be repealed. And what of that? If they cannot make as cheap as others, let them go. Must the whole community bear a grievous tax, in order to keep up a few dull and unprofitable salt works, when there are others in the country, that could make more

* Francis Smith, Esq. Charles C. Johnston, Esq.

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than enough at half the amount of the present duty? What do these letters tell us? One of them says salt is made at about twenty-five cents a bushel, and might be made at twelve and a half; the other says it is made at sixteen or seventeen cents, and might be made for six and a fourth, and the quantity might be extended to meet any demand of the whole Union. One of the letters says the price, at the works, has been, for several years, one dollar for fifty pounds! I live in a country supplied from this source, and know the cost of this same salt as it progresses down the rivers Holston and Tennessee, increasing from one dollar to one and a half and two dollars a bushel of fifty pounds, until competition of foreign and other domestic salt, below the Muscle shoals, reduces the price to sixty-two and a half cents, little more than half the price where it started! Is this no monopoly? Do these works need a protecting duty? Must they have a bounty of twenty cents duty imposed on foreign salt, to keep it from interfering with the market, in order that these manufacturers may be able to sell at a living price? But the friends of the protecting system seem alarmed lest the reduction of this duty should endanger other parts of the tariff. Aye, indeed, is it all of a piece? And are these its principles? and this a specimen of the whole? I am glad to hear gentlemen tell us that this odious salt tax is a true test of the "American system," and let them refuse to repeal this duty, and abide that test. I ask that the letters be read.

The question at length being put on the amendment, it was negatived by the following vote: yeas, 98—nays, 102. So the amendment was rejected.

The question then recurring on the substitute to the original bill agreed to in Committee of the Whole,

Mr. POLK called for a division of the question, so as to leave for separate decision the section containing the amendment respecting the duty on iron, offered in Committee of the Whole by Messrs. SCOTT and HOWARD; and, after some explanatory remarks by Mr. P., and some passages between him and Mr. STERIGERE on a point of order,

The question was put on all the sections of the substitute, excepting that above mentioned, and agreed to by yeas and nays: yeas, 185—nays, 11.

The question then came up on the amendment of Mr. SCOTT, as amended by the proviso of Mr. HOWARD.

Mr. SCOTT defended his amendment against some objections of Mr. POLK.

Mr. WICKLIFFE suggested, that, instead of calling the yeas and nays on both branches of the amendment, it would save time if Mr. SCOTT would move to strike out Mr. HOWARD's proviso.

Mr. BUCHANAN advised his colleague to adopt this course, for the reason, also, that, by giving up a part, he would be more likely to obtain the other portion of the amendment.

Mr. SCOTT yielded to the suggestion, and moved to strike from the amendment the proviso adopted in committee, on the motion of Mr. HOWARD.

Mr. BROWN opposed making the distinction; and

Mr. WAYNE advocated Mr. HOWARD's proviso, and opposed the motion to strike it out.

The question being put on striking out the proviso, it was negatived by yeas and nays: yeas, 46—nays, 140.

Mr. CHILTON moved to include in the amendment imported iron "used for axes, hoes, or ploughs, or for any other purpose of agriculture," and, in support of his motion, said as follows:

Mr. C. remarked that the principles of justice must, as he conceived, belong to one of two classes, either such as were natural and inflexible, being founded in the nature of things, or such as rest upon a civil compact. Now, sir, [said Mr. C.] I affirm that the principles in this bill involve specifically the distinction I have just alluded to. In order to test them, I propose these two questions

to the House: Is it in the power of the Congress of the United States to impose burdens upon their fellow-citizens, and thereby abridge all their pleasures and curtail the fruits of their industry, on mere principles of natural justice? Or have they this power from the construction of an instrument agreed to by the States of this Union, and conferring such a power? None will contend, I presume, that the authority is derived from a natural right. Sir, the very beasts have a right to rove over the plain, to seek for pasture wherever they can find it, and drink of every brook they meet in their way; and are not men by nature as free as they? Surely, sir. And has, then, a collection of men, unauthorized by me, a right to put their hands in my pocket, and take my money, to sustain another who has no just claim to the fruit of my toil? They have not. It is apparent, then, that as this is not a natural right, if it exists at all, it must be acquired. In order to judge whether it has been conferred upon Congress or not, our only resort must be to the charter agreed on by the States, and there we shall see how far this power of taxation is carried. The question is, what power has Congress on this subject by the constitution of the United States? It is far from my intention to oppose any constitutional power, and I do believe that the power to levy taxes with a view to revenue is a constitutional power. Even the much abused States of North and South Carolina, and Georgia, will not hesitate to make the same admission. They all admit your power to lay taxes with a view to replenish the treasury. But what is the fact now? I say you have usurped a power never conferred upon you, and which you cannot claim as a natural right—the power of grinding the face of the poor for the benefit of the rich. Regardless of the cries of the unprotected and helpless, you hold over them, without mercy, the iron rod of the oppressor. This, in my opinion, involves the whole principle of your constitutional right, and touches especially a question in relation to the West, which must utterly forbid me to vote for it. I here publicly avow that I believe this House has no power under the constitution to prosecute what is called the protecting system; in other words, that it has no power to thrust its hand into a thousand pockets for the purpose of keeping up the fullness and splendor of one. Sir, permit me to ask what was originally the object of the confederation of these States. Was it that the isolated interest of one single State should predominate over that of all the rest? Surely not. The interests of these States are exceedingly diversified. Their inhabitants are in very different situations, engaged in different pursuits, inhabiting a diversity of climate and of soil. Some parts of our country abound in hemp, others in iron, others in cotton, others in sugar cane, and you never can fix on a system of taxation in which all will agree, unless it is done under the immediate pressure of an existing war, when sectional interests are forgotten, and all burn with a noble zeal to defend the stars and stripes of the national banner.

The great object of the confederation was to provide for the general defence and common welfare. It never was intended that the majority should oppress and despoil the minority. We have in Kentucky a constitution which guaranties to every individual certain rights as being unalienable, and I, as an American citizen, have a claim to these rights, and may insist upon them in my own case, though all the rest of my fellow-citizens should have given them up. For what were constitutions made? or why do we contend with so much earnestness on this floor, as to their true intent and meaning? Surely the object of them is to protect all. The intention was, that all should equally contribute to the common defence. Was it the object of our Government that the poor shall fight, and the rich roll in luxury? Sir, the poor man cannot get a substitute; he must turn out in his own person; and I know some poor men who in the last war left behind them their wives, children, friends, home, and all they held

dear, for sixty dollars. What, sir, in a time of profound peace, shall we be enacting a general tariff of duties? That I always advocated the doctrine of putting an end to taxes and burdens the moment they ceased to be of absolute necessity, will be recollected by all who have done me the honor to listen whenever I have raised my voice on this floor. I have repeatedly argued in favor of reducing the tax upon salt; and I am now equally opposed to any increase of the tax upon iron. It will readily be discovered that iron presents as good a subject for monopoly as salt. Every farmer must have it. It enters into the composition of his knife and fork, of his axe, his plough, his hoe, his harrow, his sickle, his scythe, his ox chain; in a word, of all the tools and implements by which he is able to turn the stubborn glebe, to reap down his fields, and to subdue the soil. He must have it, or starve. Now, sir, why shall we give relief on this subject to the wealthy gentlemen who form a railroad company, and deny it to the humble corn and tobacco grower? Sir, I cannot fail to notice an argument on which great stress is laid, that this bill is intended solely and exclusively to enforce the collection of the revenue as it was laid by the tariff bill of 1828, and not to lay any additional duty. No alteration was to be made. The duties were to be neither increased nor diminished. The humble individual who had had the price upon his salt increased from twenty-five cents to one dollar and fifty cents, was to be wholly disregarded. Now, sir, in my district, which consists of twelve counties, there is not one establishment for the manufacture of salt, while there are several manufactories of iron. When, then, I see a bill before me, which grants no relief on a prime necessary of life, but diminishes the duty on an article which all admit to be profitable, can any man expect me to vote for it? Besides, sir, the people of the United States, when this administration came into power, looked with fond anticipation to this epoch as one in which all unnecessary offices were to be dispensed with, and no new offices were to be created. Yet, what is provided by this bill? A large number of new offices are created, with heavy salaries, for the purpose of guarding against frauds! What does this prove? It is admitted that, before 1828, the revenue derived from duties exceeded the amount of what it is at present. In the name of common sense, then, will any man say that to collect less revenue more officers are needed? I insist that the general principle of the system is wrong. Taxes ought never to be laid except for the general defence. This thing of taxing some for the protection of others, I am utterly against. It is calculated to rob one thousand nine hundred and ninety-nine persons, in order to sustain the splendor and gratify the cupidity of one monopolist or manufacturer. Contrast the number of manufacturers with the amount of the population of the United States, and you will find the disproportion as striking as any contrast that can exist upon earth. And shall we tax all these for the purpose of building up one or two? If we may tax the people for the protection of manufactures, why may we not for the protection of agriculture? The two interests are inseparable; and, on the same principle, we may give encouragement to both. But we ought not to encourage either at the expense of its neighbor. Suppose me settled on a farm which I manage badly; my next neighbor is prudent and industrious, and he raises one thousand bushels of Indian corn, while I make three hundred bushels of wheat. Shall I go to the county court or legislature, and say, I pray you to lay a duty of twenty or thirty cents per bushel on my neighbor's corn, to enable me to monopolize the market? Sir, iron, salt, wheat, and corn are in one respect all alike, they are all necessities of life; and is there a man in these United States whose sense does not revolt at such an idea? Shall we tax the poor man because he happens to be in the neighborhood of a nabob? The article of salt is a proof of this. Before 1828, salt in my district was sold at twenty-five cents

per bushel. It increased little by little, till it is now from one dollar and twenty-five cents to one dollar and fifty cents. Why? Not from any scarcity of the article, but from the effect of an awful monopoly, which is grinding the poor literally to death. I hope the House will look into that subject. The question on this bill is finally to settle the hopes of the South and West. I wish it understood by my constituents. I know that these considerations sometimes have little weight here, but it may open the eyes of some who have been deceived. I acknowledge the power of this Government to levy duties for all just purposes of revenue, and, in time of war, to lay direct taxes; but I consider a direct tax as more just than this. One individual may abound in cash, and yet bear scarce any burden; while another has a wife and a numerous family of children, all, of course, consumers of salt. Sir, look at the effect of this system. What is it? Your peace and happiness was lately disturbed by the rude footsteps of hostile invaders, and the calamities of war. This very spot where we now sit calmly consulting for the public good, was then polluted by the foot of the enemy. The effect was that the South and the West advanced like brothers at your call; they marched from their homes to your defence, and fought their way, not literally but figuratively, through seas of blood. In the time of danger, we fought, and bled, and fell side by side. This shows the deep cause of complaint which alone could rouse the South to resistance. This bill might with propriety be entitled a bill for the oppression of the South. On this ground I oppose it. But, if it can be so shaped as to do no more than enforce the revenue laws, I will vote in its favor.

[Mr. C. added a few words more, which were lost by the reporter.]

He concluded by asking for the yeas and nays on his amendment, but they were not granted, and the amendment was negatived—yeas, 57.

Mr. DRAYTON then moved to add to the amendment an amendment, providing for a repeal, after December next, of the duty laid on imported slates by the tariff of 1828, and he exhibited a number of reasons and several facts in support of his amendment.

Mr. BUCHANAN made a statement of facts relative to the abundant supply of slates which Pennsylvania furnished, to show the inexpediency of the amendment.

Mr. CARSON replied to Mr. B., and controverted the propriety of allowing a profit of three hundred per cent. to the workers of slate in the United States, and Mr. HUNT and Mr. IHRIE sustained the statement of Mr. B., to show the capacity of the country to supply plenty of slate, but the business could not be prosecuted without the protecting duty.

Mr. DRAYTON replied to all the objections, to show that the duty was onerous and improper.

The question being then put, the amendment was rejected—yeas, 55.

Mr. TUCKER rose to move an amendment, in which he said he was in earnest; it was, that, after June next, the duty on molasses be reduced to five cents a gallon. He confessed that he had, when the noxious tariff law of 1825 was before the House, voted for the high duty on molasses, in hopes of killing the bill; he thought he could make good come out of evil, but he was deceived. He did not think the friends of that bill would swallow the molasses, but he was disappointed. As he, however, had aided to put on the duty, he now wished to try to take it off, and he asked for the yeas and nays on the question, but they were refused by the House; and

The amendment was negatived, without a division.

Mr. DRAYTON then moved that, after the 30th of June next, the same duty now imposed on a ton of slates be imposed on one thousand slates, for reasons which he explained; but the motion was negatived.

The question was then put on the amendment of Mr.

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Navigation and Imposts.

[H. of R.]

SCOTT, with the proviso of Mr. HOWARD, and carried: yeas, 101—nays, 70.

After some remarks by Mr. CARSON, animadverting on the reasons assigned by Messrs. RAMSEY and MILLER for their change of vote on the salt duty, and replies by those gentlemen,

The question was (at 9 o'clock) put on ordering the bill to be engrossed, and read a third time, and decided in the affirmative by the following vote:

YEAS.—Messrs. Angel, Armstrong, Arnold, Bailey, Barber, Bartley, Bates, Baylor, Beekman, John Blair, Bockee, Boon, Borst, Brodhead, Brown, Buchanan, Butman, Cahoon, Childs, Clark, Coleman, Condict, Cooper, Cowles, Hector Craig, Crane, Crawford, Creighton, Daniel, John Davis, Denny; Dickinson, Doddridge, Duncan, Dwight, Earll, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Findlay, Finch, Ford, Forward, Fry, Gilmore, Gorham, Grennell, Hawkins, Hemphill, Hodges, Howard, Hughes, Hunt, Huntington, Ilric, Thomas Irwin, W. W. Irvin, Isacks, Jennings, Johns, Richard M. Johnson, Kendall, Kennon, Kincaid, Perkins King, Adam King, Lecompte, Letcher, Lyon, Magee, Mallary, Martindale, Thomas Maxwell, Lewis Maxwell, McCreery, Mercer, Miller, Mitchell, Muhlenberg, Norton, Pearce, Pettis, Pierson, Powers, Ramsey, Reed, Richardson, Rose, Russell, Scott, Shields, Sill, S. A. Smith, Ambrose Spencer, Sprigg, Stanbery, Standifer, Sterigere, Henry H. Storrs, William L. Storrs, Strong, Sutherland, Swann, Swift, Taylor, Test, John Thomson, Vance, Varnum, Vinton, Washington, Whittlesey, Edward D. White, Wickliffe, Yancey, Young.—115.

NAYS.—Messrs. Anderson, Archer, John S. Barbour, Chilton, Claiborne, Conner, Crocheron, Davenport, Deberry, Gordon, Hammons, Harvey, Cave Johnson, Lea, Loyall, Martin, McIntire, Polk, Rencher, Augustine H. Shepperd, Richard Spencer, Taliaferro, Wayne, Weeks, Williams.—24.

THURSDAY, MAY 13, 1830.

NAVIGATION AND IMPOSTS.

The House resumed the bill reported by Mr. CAMBRELENG from the Committee on Commerce, in alteration of the navigation laws, &c.

Mr. STRONG spoke half an hour in conclusion of his remarks against the bill, and then moved to postpone the bill to the 4th of July next, (tantamount to a motion to reject it,) but withdrew his motion at the request of

Mr. CAMBRELENG, who desired to make some remarks in reply, stating that he would, after he had said what he intended, renew the motion of his colleague; but,

The hour having expired, Mr. C. was precluded from proceeding to-day.

[The following is a full report of the remarks of Mr. STRONG:]

Mr. STRONG said, the extraordinary character of this bill would, he thought, justify him in submitting some remarks upon its mischievous and ruinous operation upon the agricultural as well as upon the manufacturing and navigating interests of the country. Its provisions, unless I totally misapprehend them, [said Mr. S.] are utterly hostile to the whole principle of protection. The honorable chairman of the committee, [Mr. CAMBRELENG] by this novel bill, would remove the old safeguards, and leave our farms, factories, and ships almost wholly unprotected; would take away the superintending power of this House over the capital and industry of the country, and give it partly to foreign Governments, but mainly to the Executive of the United States. This will be a pledge to foreign nations which we cannot recall, and a power to the President of the United States which we cannot control. I can never agree to this. We may as well, and with more safety, give up to the President the power of declaring war. The

high responsibility of protecting the skill, the labor, and the property of our constituents, is here on us—and on us let it rest.

But, before I go into an examination of the bill, and its bearing on the great interests of the country, I must occupy a little time in reply to the honorable gentleman from Georgia, [Mr. WAYNE.] So far as I understood him, his main object was to show that our tariff laws are exceedingly oppressive to the southern States, and to all parts of the Union; that this bill, should it become a law, would open foreign ports to us, and thereby give us steady foreign markets for our bread stuffs and provisions, and, in a word, for all the raw productions of our common country; and that, consequently, the agricultural interest of the nation, and especially the cotton, tobacco, and sugar planters of the South, would be relieved.

The tariff laws have become, in the hands of their enemies, a ready weapon for every species of warfare. Formerly, the objection to them was, that they favored the rich, and oppressed the poor; that they taxed the industry of the poor man, to protect the money of the rich man. But now the objection is, that they favor mechanics and laborers, and oppress the rich farmers and planters; that now they tax the wealthy and the rich, to protect the skill and industry of the laboring poor.

What, sir, is the principle of the tariff laws, of this "American system," so much reviled, because so little understood? It is the adequate protection of our capital, that is, of the produce of our labor and skill, whether this produce be in the shape of money, houses, factories, cloths, or ships, or of cotton, sugar, or tobacco, not only against the ruinous competition of foreign capital, but against the action of foreign legislation.

The protective system rests upon the same principle as the other great national and constitutional means of defence. Both are for protection. The navy, army, and fortifications are for the protection of persons and property against open enemies, whereas the tariff laws (even as revenue laws) are for the protection of property merely against the arts and legislation of professed friends. The protection, therefore, is not to A or B, because he may happen to be a manufacturer, or a shipmaster, or a cotton planter; but it is to the property, of whatever kind it may be, that he has invested in the factory, the ship, or the plantation. Suppose any one man to have embarked his whole fortune, in equal proportions, in a cotton plantation, a cotton mill, and a ship. Is it not apparent that all three must be protected? And is the protection to him, and not to his property? Is he protected as a manufacturer merely? And is his plantation or his ship taxed for this protection, any more than his cotton mill is taxed for the protection of his raw cotton or his ship? I have always defended the principle of these laws, upon the ground that the protection was wholly to the property; that the benefits to particular individuals were incidental merely; and that our safety and prosperity mainly depend upon the vigilant and fostering care of Congress, in protecting American capital and American enterprise. Sir, we may as well disband our army, and dismantle our navy and our fortresses, as to open our ports to the unrestricted introduction of the varied products of foreign labor.

Among the earliest acts of this Government, there will be found one for the protection of the navigating interest. My colleague, [Mr. CAMBRELENG] in the title of his bill, seems to profess the same thing; but, on looking at its provisions, there is not to be found a line or a word which has any direct application to our shipping interest. It is known to the House that our mercantile marine has always been protected, but never, that I know of, too highly protected. Now, I suppose this protection was not, and could not have been given for the sake of the master or the sailor, but for the sake of the large amount of American property which had been and might be invested in ships.

No man now denies the policy or doubts the necessity of amply protecting the shipping interest; and yet the money laid out in a ship has no better claim for protection, than the same amount laid out in a cotton mill, or in a sugar, cotton, or tobacco plantation.

One of the signal advantages of this protecting system, is, to put the property, the skill, and industry of our citizens upon an equality as near as may be. Nearly all the wealth of the country is invested in agriculture, in manufactures, and in ships or vessels. And the great end of protection is to put all his property, however diversified its employment, in a condition of equal safety, so that all classes of our citizens may be benefited, as all clearly will be, where the property and employment of each is fairly and fully protected.

It often occurred to me, during the argument of the gentleman from Georgia, [Mr. WAYNE] how it could be, and whether it were possible that the southern States were ground down to the dust by the oppressive effects of the tariff laws, whilst all their great interests have always been, and still are, more highly protected by these same laws, than any other class of interests in the United States. Their greatest staple productions are cotton, sugar, and tobacco. Is it any part of their complaint that these are protected? And do they propose to repeal this protection? Oh, no! And what is it? A protecting duty on sugar of three cents a pound; on cotton, three cents a pound; and on manufactured tobacco, (other than snuff and segars,) ten cents a pound.

The House, I hope, will recur with me, for a moment, to the early history of the Government. Among the strongest reasons assigned for the adoption of the federal constitution, was the protection it would afford to our commercial interests. As the old confederation had no power to protect them, and as the States did not and could not do it, the whole power over commerce, and over the means of sustaining it, was given to the Federal Government. And if Congress will not protect that sugar interest, for example, who will? How else can it be done? Now I take it for granted, because I have been informed by sugar growers, that if the duty of three cents a pound on brown sugar was taken off, the planters in the southern States would have to abandon the cultivation of the cane; because they could not compete in the home market with the West India sugar grower.

It has been stated, with respect to the article of cotton, that the duty was imposed, not for revenue, but expressly for protection. The cultivation of the article was then in its infancy—the product small—its success uncertain. Then, but a few thousand—now, near a million of bales are annually produced. Still, at the present low prices of upland cotton, were the duty taken off, and the foreign article admitted duty free, our manufacturers would work up a portion of foreign cotton. There can be no doubt of it. I do not say that the cotton of Brazil, or of Egypt, would wholly take the place in our cotton mills of the southern cotton. The cultivation of cotton in the South is too far advanced to be ruined by any ordinary competition. But it is enough for my argument, if a single bale more of foreign cotton would be used here, in consequence of repealing the duty, because, there being an over-production of cotton, every bale of the foreign article consumed here would deduct the same quantity of southern cotton from the general market. The southern cotton planter, therefore, would lose by the operation at home, and would gain nothing abroad.

The same course of remarks will apply to the article of tobacco. The duty of ten cents a pound on it amounts to prohibition. Were the duty taken off, I admit that foreign tobacco could not come into competition with ours, so as to ruin our tobacco planters, any more than the foreign growers of grain could ruin all our farmers. Yet, it cannot be disguised, that every pound of foreign tobacco,

and every bushel of foreign wheat, brought into the country, and consumed here, would take the place of the like quantity of American produce. The tobacco planter and the grain grower, therefore, while the home market gradually fell into the hands of foreigners, and the markets abroad were closed against them, or were precarious as they now are, would soon find themselves obliged to produce less and less, until they ceased to produce altogether, except for their own necessary consumption.

It is not a little remarkable that manufacturers are so unsparingly abused and villified, when every one knows that the production of sugar and tobacco combine, most intimately, the manufacturing and agricultural interests. One part of the preparation, both of sugar and of tobacco, is as much a manufacture as is the fabrication of cotton or of wool. The first process is agricultural—the last, strictly manufacturing. The two interests are often united on the same plantation, and in the same planter.

With respect to the great interests of agriculture, manufactures, and navigation, what has always been the policy of England? And what, for several years past, has been the policy of France and of Russia? Has there ever been a period since manufactures were first commenced in England, when she did not protect them by her laws? Or can a period be found when the manufactures of wool and of iron would have succeeded in that country, without the protection and aid that her laws gave them? If there be, I have never discovered it; nor have I ever met with any one who could point it out to me. The gentleman himself [Mr. WAYNE] referred to the bounties which the British Government, in the infancy of her manufactures, paid directly out of the treasury. But the bounties now given by that Government are of a different kind, being nothing more than a drawback of the excise on the articles exported. During a long series of years, England prohibited, in terms, the importation of many articles of a kind which she manufactured; and on others the duties were so high, as, in fact, to amount to prohibition. Her cotton manufacture is now the greatest she has. This is protected by an ad valorem duty of about twenty-eight per cent., and her printed calicoes, notwithstanding the cry of “free trade,” are protected by a specific duty of six cents the square yard. This operates as a prohibition, except perhaps to a few French prints, of a very fine quality and high price.

In the whole history of England, down to the present period, and notwithstanding the speeches of Mr. Huskisson, and the assertions of others, which have been so often quoted upon us, about the revision of her revenue laws, we find the principle of her system the same. It is protection—there is no instance that I know of, in which she has purposely given up the principle of protection. While she has modified her laws in respect to navigation, and to some branches of manufactures, she has never for a moment lost sight of thoroughly protecting her manufacturing, navigating, and agricultural interests from all foreign competition. I am aware that she has reduced the duty on woollens to fifteen per cent.; and Mr. Huskisson assigns the reason for it. He says, that branch of industry is so well established, that a protection of fifteen per cent. will enable her manufacturers of wool to compete successfully with the world. But he goes on to say, that, if it can be shown that the cotton manufacture, or any other manufacture of the kingdom, cannot stand with the present degree of protection, the duty shall be raised—that he will not hazard one of these interests—that all shall be fully protected. France and Russia are steadily persevering in the same policy. Such also is our policy.

So many allusions have been made to the various interests in different portions of the Union, that it may not be improper to look a little into the relative condition of the northern and southern States.

Neither the skill, nor the labor, nor the staple produc-

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tions of the North, or the East, have ever been adequately protected, while those of the South, as I have already shown, have always been fully protected. Still we hear loud complaints from the South. Sir, I will not undertake to controvert the statements which have been made to us, of the oppression and misery prevailing in that quarter of the Union—nor will I say that these complaints are unfounded. But this I will say—that, in my judgment, they proceed from the anticipation of evils, rather than from evils felt. Most of these complaints are from South Carolina and Georgia; and it may be well to compare the relative population of those States that are against protection, with those that are for it. According to the best estimates, it will be found that South Carolina and Georgia together contain not over a half a million of free inhabitants. The cotton planting States contain about two millions, and the other States about eight millions, so that the whole southern interest stands to the rest of the Union in the proportion of two to eight; and the States of South Carolina and Georgia, in the proportion of half a million to ten millions.

But it is worthy of inquiry, whether any thing, and what, has been done towards relieving our southern brethren from burdens, common to all, which they say have borne heavily upon them—but which eight-tenths of the American people have not felt. Sir, the duties on wines have been reduced about one-half. The consumption of wines in the South will, I suppose, be admitted to be somewhat greater, in proportion to the population, than it is in the North. Well, sir, this is not all. During the present session of Congress, the duties have been greatly reduced on teas, coffee, and cocoa. These are articles of general consumption; and as far as the duties are a tax upon the consumer, so far the cotton planting States have been relieved. As a generous people, willing that others should live, they ought to be satisfied. But the price of their lands and produce has fallen! So it has in the North—so it has every where. The people of the South do not suffer more than the people of the North. I am inclined to believe not so much. Yet some few of our brethren there charge their bad crops, and low prices, to the oppressive effects of the tariff laws. Not many will believe it, any more than they will believe that protection is oppression.

The low prices and the distresses complained of are not confined to our own country; they exist elsewhere, and are severely felt among most of the European nations. They have not sprung from the tariff, but from causes beyond it. Their origin is to be traced to the recent and radical changes in the habits and policy of the commercial world. The time was when the United States were the granary of Europe. Then all our energies were directed to supply her markets with provisions. Our embargo and non-intercourse laws, instead of starving our enemies, taught them to raise their own bread stuffs. The war that succeeded continued this state of things, and, moreover, forced up manufactures amongst us. After the battle of Waterloo, and the general peace that followed it, millions of hands were suddenly converted from non-producers into producers. This vast multitude of human beings, thus cast back upon the earth, were compelled to earn their bread, or starve. And, at this day, there is scarcely a commercial nation in Europe that does not produce and manufacture more than her subjects can eat or wear. Great Britain only is obliged to depend on foreign countries to supply her with bread stuffs for about three months in the twelve. France, Russia, and most of the northern powers, instead of buying their grain and provisions of us, have these articles to sell. Several of them are also actively engaged in manufacturing. In truth, nearly all the commercial nations of the earth are now much in the same relative condition; each wisely judging it better to depend upon her own resources, than upon the resources of others. Who would think of importing

for home consumption wheat or corn from France or the Black Sea? or rice from the East Indies? And yet these articles are more abundant and cheaper there than here. Hence it is that there are no unfailing markets abroad for our raw productions; and why shall we adopt any measure, or pursue any policy, which will destroy our markets at home?

There is a much wider difference in the soil and climate of our country, and in the pursuits of our citizens, than in the peculiar interests of the several States. The essential interests of the States and of the people are the same, and no philosophy or sophistry can prove them to be diverse or irreconcilable.

It is known to many who hear me, that much of the country in the North is mountainous, cold, poor, and sterile, while in the South much of it is level, warm, rich, and fertile. In the North, the frosts continue for half the year. In the South, they are rarely felt. The husbandman of the North is compelled to toil for his living from the rising to the setting of the sun. It will not do for him to fling his seed into the earth, and leave it to take care of itself. He must watch and nurse it. He must work hard, and spend little. But he of the South commits his seed to a genial and generous soil. It springs up and grows while he is reclining under the vine or the fig tree.

I complain not of this: it is the allotment of Providence. In some respects the southern States have the advantage: in others, the northern States. The products of each are peculiar, and of great value. Labor is well rewarded in both, and each can supply the wants of the other. Wherein, then, are northern interests opposed to southern? Or, wherefore are southern men hostile to northern interests? Are not the northern and southern laborer equally entitled to protection? And where is the hardy laborer, South or North, who complains of your laws? There is nothing in the present condition of the southern States, that I can comprehend, which warrants this continual cry of oppression. Sir, I have been among our southern brethren. As a people, I know them to be hospitable; and I believe them to be generous and just. If aggrieved, I should rejoice to relieve them, if I could do so without aggrieving others more. But, sir, whenever, in my judgment, the great and permanent interests of our common country depend upon a rigid adherence to the protective system, there is no choice left. I must adhere to the system, and protect the property and labor of the people. After all, what is the injury of which southern gentlemen complain? Are their liberties invaded, or their property taken from them without their consent? Neither. Both are safe. What, then, is it? Why, that we manufacture our wool, cotton, iron, and hemp at home, instead of sending it to the workshops of Europe to be manufactured. That is the real grievance. To say these manufactures will succeed, if left alone, will not do. They need protection, the protection of the Government; and eight-tenths of the people have decided that they shall have it. The term "protection" seems to have some terror in it. Call it by any other name if you will, but give the people the benefit of it.

What is the condition of the North and the South, as to markets for their productions? The northern people are confined almost entirely to the home market. Were the foreign demand for flour equal to their ability to produce it, they might annually send abroad four or five millions of barrels, instead of the four or five hundred thousand only, which they now do. The foreign demand for their manufactures, though still small, is gradually increasing. Thus it will readily be perceived that they cannot open the home market to foreigners without injury, if not ruin, to themselves. Not so with the people of the South. They have a home market and a foreign market for their cotton, rice, and tobacco, both unfailing. Their sugar is consumed at home. The rice and tobacco

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find ready markets both here and in Europe. Of their cotton, nearly two hundred thousand bales are annually used in the cotton mills of the North; the residue of the crop is chiefly sent to England and France. Now, unless two good markets are worse than one, I think our southern brethren have much reason to be contented with their lot. But the southern people are highly favored in another respect: They have the monopoly of cotton, sugar, and rice. None of these are raised in the North. Their mountains teem with minerals, and their rivers afford great water power. They can manufacture coarse cottons and woollens cheaper than anybody else; and if they will not avail themselves of these obvious advantages, it is their misfortune, and not our fault.

It is contended that exports pay the duties on imports; and as the southern planters supply two-thirds of the whole amount of the domestic produce exported, it is thence argued that the burden of taxation falls heaviest on them. It is easier asserting than proving that the American tariff imposes duties or burdens upon the American producer, as producer merely. I wholly deny that the producer, as such, of cotton, or wheat, or tobacco, pays the duty or tax upon imports. He must be the exporter as well as owner. A gentleman in Georgia, for example, sells me a bale of cotton—I pay him the cash for it, and send it to Liverpool. As the owner and exporter, if the import duty falls upon either, it falls upon me. But, sir, neither the producer, nor the owner or exporter, pays the import duty, unless he is the consumer of the imported articles. Let us examine it. A cotton planter, with proper economy, having fed and clothed himself and his laborers from his plantation, has, at the end of the year, a thousand dollars worth of cotton for sale. Now, if he exchanges it with his neighbor for land or labor, he pays no duty or tax; if he sells it in Charleston, New York, or Liverpool, and takes the silver or gold home with him, he yet pays no tax; if he sells it in Liverpool, takes its value in British merchandise, which he brings to New York, and disposes of at a profit, he pays no tax yet; but, if he takes the merchandise home with him, and consumes it, then he pays the tax—he pays it as the consumer of dutiable goods.

But let us see how the account will stand, upon the supposition that the exporter and owner pays the duties on imports. By looking into the treasury returns from 1821 to 1828, it will be found that, during these eight years, there were exported, of domestic produce, from Georgia, thirty-six million three hundred and fifteen thousand seven hundred and ten dollars; from South Carolina, sixty-one million five hundred and fifty-three thousand and ninety-nine dollars; from Louisiana, sixty-eight million two hundred and three thousand three hundred and thirty dollars; and from New York, one hundred and two million two hundred and six thousand three hundred and forty dollars. Hence, it appears that Louisiana is the largest southern exporter, and that New York exports more than South Carolina and Georgia together. If, therefore, the exporter pays the tax, New York pays much the largest part, and has the most cause to complain. It is undoubtedly true that a part of the exports from New York consisted of the produce of the southern States. So did the productions of North Carolina swell the exports from South Carolina, and so also did the cotton, tobacco, and grain of the Mississippi increase the exports from Louisiana. All this, however, alters not the result; for the question is not, who is the producer, but who is the exporter? Again, if either the producer or exporter pays the import duty, it is certainly matter of some surprise that northern farmers and merchants have not yet discovered that the one or the other of them were paying to the Government forty or fifty per cent. upon the value of the flour and other produce they sent abroad.

The gentleman from Georgia [Mr. WAYNE] informs

me that he did not mean to be understood as contending that the import duties fell exclusively upon the grower or producer of the exports. If I now understand him, he maintains that one part of the duties is chargeable on the consumer, and the other part on the producer; and that the tax upon labor is the mean quantity between our own tariff, and the tariff laws of foreign nations. I have shown that the grower or producer, as such, does not pay—and it seems difficult to prove that labor is taxed, unless the laborer be the consumer of the taxed article.

There is one important view of this subject, to which I wish to call the attention of the House. It is this: that the tariff laws, that is, the protecting laws, of each nation act directly upon the producers of every other nation with whom there is commercial intercourse. It has been shown that our tariff does not tax our farmers or planters, as the growers of wheat and cotton; but the British tariff, for example, does tax them. Take a brief illustration or two of it. A Georgia planter has a pound (or any other quantity) of cotton for sale: it costs him five cents a pound to raise it; its stationary market price here is ten cents, and in England fifteen cents a pound; but the British tariff imposes on it a duty of five cents a pound. Now, it is apparent that the planter will realize in England but ten cents for his pound of cotton; and that the British duty of five cents will fall on the consumer. If, however, the British duty is gradually raised to ten cents a pound, the market price there remaining the same, it is then equally apparent that the pound of cotton here will fall from ten to nine, eight, and so on, down to five cents, which will take away all his profits, and compel the planter to abandon the growing of cotton. Hence it is that the American shipper, when he sends a cargo of goods to Liverpool, looks into the British tariff only. But when he is about to purchase, in Liverpool, a cargo of British goods for the American market, he then looks into the American tariff, and also ascertains the price current of British merchandise in America. Our tariff acts in the same way upon the foreign producer. The additional duty of five cents a gallon on molasses, imposed by the tariff of 1823, did not permanently raise the price of the article in our market. The truth is, that the whole additional duty fell upon the West India producer. And, sir, this is one of the fundamental laws of trade—it is one which my colleague [Mr. CAMBRELENGE] seems to have overlooked in drawing his bill—and it is one, it appears to me, that makes it impossible, with due regard to national safety, to adopt a universal tariff of duties.

The revenue derived from duties on imports is certainly a charge upon the nation. This no one will deny. The nation pays it. And so long as the tax is the price of protection, the nation is the gainer. Of the gross annual amount, every one pays that proportion which is properly chargeable upon the articles he consumes, and no more. If he consumes no article upon which a duty is charged, he pays nothing. But, in that case, he receives the benefit of protection, without paying any thing for it. And when he consumes a dutiable article, it is by no means true that he always pays the full amount of the duty charged upon the article; because it often happens that the duty is divided between the foreign producer and himself, as the consumer. This result is well known to commercial men.

So far as I could understand the gentleman from Georgia, [Mr. WAYNE] much of what he said seemed to tend to this conclusion, namely, that if the tariff policy was not abandoned speedily, Georgia would withdraw from the Union, and that some of the other southern States would follow her. He did not say so in terms; but such I understood to be the result of his argument—I hope I have mistaken both its tendency and his intention.

[Mr. WAYNE] disavowed any such intention, and said there was nothing he deprecated more deeply than such

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an event. He never would consent to it in any form. His fixed determination was to resist such a measure to the utmost of his ability.]

I am indeed rejoiced to hear the worthy gentleman disavow any such purpose. It is a great relief to me. Our southern brethren have too much at stake to hazard such a step. I have undiminished confidence in their patriotism, and in their attachment to the Union. Partial disaffection is common. Restless and reckless spirits pester every community. But, fortunately, words are not deeds; and it generally happens that men bold of tongue are cautious of steel. And whence springs this disaffection? What is it about? Why? It is, whether the import duty shall be ten or fifteen per cent. more or less, on a yard of cloth or a pound of iron! The bare statement should quiet the fears of the timid. There is too much capital at stake to recede now. The honorable gentleman [Mr. WAYNE] thinks the whole manufacturing capital of the country does not exceed fifty millions of dollars. This seems to be greatly underrating it. It is, perhaps, impossible to ascertain the exact amount; but I believe I hazard nothing in saying that, in the State of New York alone, there is more than fifty millions of dollars actually invested in buildings, in machinery, and in other property, the profits of which depend entirely upon the success of her various manufactures. Great as her shipping interest is, she unquestionably has, at this moment, more property in factories and workshops, than in ships. It has been asserted, by those who know better than I do, that there is now employed a capital of some sixty millions of dollars in our sugar manufacture, the continued success of which depends upon the protection our tariff laws give it.

Sir, the gentleman [Mr. WAYNE] was forced to admit that manufacturing establishments were valuable to the country around them. Here, they are not clustered in large towns, as in England, but are found springing up in all directions, about our numerous waterfalls. In the States where these establishments are, the lands improve, and the inhabitants prosper; but, in the States where they are not, the lands deteriorate, and the inhabitants grow poor. It is so the world over. Experience is daily demonstrating their great value to the whole country. The State of New York, whence I come, has a deeper interest in maintaining this "American system" of protecting her capital and industry, than any other State in the Union. And the people of the North and East cannot give it up. With them, it is wholly a question of competency and comfort, or of poverty and want.

I do not mean to say that the tariff laws are to remain unchanged. If they contain some bad provisions, they were not put in by me. They were forced in against my consent. And, being in, I am, for the present, against repealing or modifying any of the duties which will affect the manufacturing capital or industry of the country. Let the experiment be fairly tried. I do, however, mean to say that our great national interests—the large amount of labor and skill, and the enormous capital, which, in various ways, are employed in manufactures, must be protected. Whatever may be the rate of duty required, whether high or low, still they must be protected. Whenever the minority, in whose power it always is to make a tariff law, either good or bad, will evince a disposition to arrange a scale of duties, with a single eye to the interests of all concerned, I will join them in the good work. But I have no desire to have the scenes of 1828 acted over again. The principal actors in the minority, on that occasion, openly avowed their intention to be to make the tariff bill so bad that the majority would be forced to reject it. They were, however, deceived, as such minorities commonly are.

So much for the remarks of the gentleman from Georgia, [Mr. WAYNE.]

And now, sir, let us see what effect this bill is to have upon our agriculture, manufactures, commerce, and navigation. The title of the bill speaks of navigation—but the bill itself proposes a sort of universal tariff, or scale of import duties, which is to become the standard rule of every nation and people.

The first section makes this broad proposition to every foreign Government, namely, if you—Great Britain, for example—will admit the produce and manufactures of the United States "at a rate of duty not exceeding thirty per cent. on the actual value," we will thereupon admit your produce and manufactures upon "reciprocal terms." Whenever an arrangement is made, the President is to announce the fact by proclamation. It is sufficiently obvious that any arrangement of this kind must be made either by treaty or by legislation. If by legislation, then there can be no need of the President's proclamation—because the statutes of the two Governments would necessarily prescribe the time and manner of carrying it into effect. But if by treaty, then the President's proclamation would be necessary in that as in every other similar case. Now, either way, it is plain that the power of Congress to protect the property and labor of our citizens, will be gone. This high and essential power, for which Congress is held justly and severely accountable to the people, will be rashly given up to the President and to foreign nations. I understand from my colleague, [Mr. CAMBRELENG] that he expects to accomplish his purpose, if at all, through the treaty-making power. Let us, therefore, inquire how the thing would work, provided the bill was a law. A negotiation is set on foot—a treaty is made upon the basis of this novel law—is submitted to the Senate—ratified—approved by the President—and becomes the supreme law of the land. Well, sir, if no appropriation is required to carry it into effect, it is not laid before Congress. But if an appropriation is required, then it is laid before Congress, and this House is called on for the money: can the House refuse it, without violating the faith and honor of the nation? Clearly not—for this bill pledges both. What then? Why, though the President and two-thirds of the Senate are the sole judges of this matter, which really relates exclusively to the internal domestic policy of the country, Congress can do nothing—and though the stipulations in the treaty be ever so bad, the people must take them.

To understand fully the mischievous effects of this anomalous bill, it is necessary to examine some other provisions in it. The second section provides that the "actual value" of the produce and manufactures of the foreign nation shall be ascertained in the manner "prescribed by existing laws." These existing laws, therefore, are to be considered, together with the bill, as forming the basis upon which the new arrangements are to be made. No duty, however, is to be charged on "any nominal valuation," but the charge is to be on the "actual value" of the articles. And, by the existing laws here spoken of, which are our revenue laws, this actual value is to be ascertained, not in the United States, but at the place whence the articles of merchandise are imported. Our rule in this respect differs from that of other nations. The value of an article imported into Great Britain is ascertained in her own market, and not in the foreign country. For example, an American merchant sends a piece of cotton goods to Liverpool; its value is ascertained at Liverpool, and the British duty charged on it. A Leeds merchant or manufacturer, on the contrary, sends a piece of broadcloth to New York; its value is ascertained by our custom-house officers, not at New York, but at Leeds, and the American duty, by this bill, is to be charged on that value. But this is not the worst of it. Nearly all the American importers have been driven from the British trade, which is now almost wholly in the hands of the British agents; and, if our duties were

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reduced to thirty per cent. upon the actual value of the merchandise, as proposed by this bill, the ruin of the farmer and manufacturer would be inevitable. The pressure of the trade upon us is bad enough now, but it would be much worse then, as our protecting duties would be reduced one-third. Suppose the British manufacturer should then, as now, ship his own goods to this market, and suppose, in making up their invoice price, he should choose to consider the cost of the materials and the wages of labor as constituting their actual value, thereby leaving out the interest on capital, and the wear and decay of machinery, which vary from ten to thirty per cent. What would be the result? Why, that British cloth would come to us invoiced at seventy or eighty cents a yard, instead of one hundred cents, and would, therefore, actually pay a duty of some twenty or twenty-four cents only on the dollar, when it ought to pay a duty of thirty cents on the dollar. With the usual deductions of from five to twenty per cent. for prompt payment, as it is called, the difference against us would be still greater. Now, sir, should the American merchant export to Liverpool these same British cloths, or American cloths of the same quality and cost, they would be valued in Liverpool at one hundred cents, or more, a yard, and would actually pay a duty of thirty per cent. So that the same yard of cloth, or a yard of cloth of the same intrinsic cost, would pay thirty cents to the British treasury, and twenty or twenty-four cents only to the United States' treasury. And this is the sort of reciprocity that the bill will fix on us.

My colleague [Mr. CAMBRELENG] remarked that he did not suppose that this bill would affect the policy of Great Britain, at least for some years to come. Sir, I think so too. She cannot accept of our offer, without opening her colonial ports to us, and repealing her corn laws; which last, I suppose, she can never do, because, I take it for granted, that, in the present condition of things, she is satisfied that agriculture is as essential to the prosperity of manufactures, as manufactures obviously are to the prosperity of agriculture. Neither did he [Mr. C.] think it probable that France, at present, would accept the proffered terms; but he thought that Portugal would. Suppose Portugal does, and we make a treaty with her, whereby it is agreed that she will receive our produce and manufactures at a rate of duty not exceeding thirty per cent. on the actual value thereof, to be ascertained as she pleases, and that we will receive her produce and manufactures at the same rate of duty on the actual value thereof, which value is to be ascertained, not as we please, but at Lisbon, or at some other place in Portugal.

But, before I proceed to examine the ruinous effects such a treaty will have upon our farmers, mechanics, and shipowners, let me call the attention of the House to some of the provisions contained in our existing treaties with other nations.

The second article of our treaty with Great Britain says that "no higher or other duties shall be imposed on the importations into the United States of any articles, the growth, produce, or manufacture of his Britannic Majesty's territories in Europe," "than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country." Two cargoes of cottons and woollens arrive at the port of New York at the same time; one from Portugal, the other from England. The Portuguese goods are entered at the custom-house, and pay the duty of thirty per cent. The British goods are also entered, and, by the provisions of this second article of our treaty with Great Britain, they pay a duty of thirty per cent. only. Is it not so? I think it is; and I know not how we can escape from it. What better arrangement, therefore, can Great Britain desire than this contemplated arrangement with Portugal? Her ports will remain, as they now are, closed to us, while ours will be opened to her, as well as to the Portuguese.

Spanish vessels, by the fifteenth article of her treaty with us, coming from the ports of Spain or of her colonies, are to be admitted, for the term of twelve years, into the ports of Pensacola and St. Augustine, in the Floridas, "without paying other or higher duties on their cargoes" than are paid by vessels of the United States. Of these twelve years, three yet remain. Spain, therefore, might bring into the Floridas her West India sugars and rum, at a duty of thirty per cent., which would be about equal to a duty on rum of ten cents a gallon, and on sugar of one cent a pound. This would effectually ruin our own sugar growers.

With Colombia we have a treaty, the third article of which stipulates that the Colombians may trade with us "in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees whatsoever, than the most favored nation is, or shall be, obliged to pay." We have similar treaties, also, with Sweden and Norway, and with the Hanseatic Republics of Lubec, Bremen, and Hamburg. It will be perceived by these treaties, that a Colombian, Swedish, or Hanseatic vessel may import into the United States any article of any country which can be imported in one of our own vessels. A treaty, therefore, with Portugal, or with any other foreign power, in conformity with the provisions of this bill, would have the effect of opening our ports to the admission of the produce and manufactures of the world, at a rate of duty not exceeding thirty per cent. upon their value abroad. And these terms, having been deliberately offered by us, when once accepted by a foreign nation, we can never change.

My colleague [Mr. CAMBRELENG] calls this reciprocity. The bill, too, speaks of reciprocal terms. As applied to the shipping interest, this is well enough. It is our policy and our law now. And this reciprocity is simply between the ships of various nations in the same port, and not between the laws to which these ships may be subject in the ports of the respective nations. For example, a British ship, in one of our ports, is subject only to the same tonnage duty and other charges as an American ship; and an American ship, in a British port, is subject only to the same tonnage duty and other charges as a British ship, although these duties and charges may, at the same time, be twice or three times higher in a British port, under the laws of Great Britain, than they are in an American port, under the laws of the United States. But, sir, this bill proposes a sort of universal scale of duties to become, I suppose, a part of the law of nations, whereby each nation, under all circumstances, will be bound to admit every article at a duty not exceeding thirty per cent. on its value. The policy of imposing duties, whether for revenue or protection, is purely municipal, wholly domestic, and has no connexion with the mere transit of vessels and their cargoes from one foreign port to another. Why, therefore, stop here? Why not make a universal assize of bread? Why not propose that the wages of labor shall be equalized every where? That no nation, great or small, shall have an army of more than six thousand strong? or a fortress more than five feet high? or more than five ships of war? All these are for the defence of persons, property, and honor; and they do not stand more firmly on the principle of self-preservation, than does this "American system" of protecting the labor, skill, and industry of our citizens. Sir, the principle of this bill, carried out, would soon make us dependent upon foreign labor; would soon drive us to foreign workshops for all we want, from a hat to a shoe, from an anchor to a hobnail. Let us look a moment at its operation. England is the mistress of the loom and the anvil. Her manufacturers, after supplying their home market at a profit of some twenty-five per cent., have a large surplus on hand. These surplus goods, together with the effects of bankrupts, to avoid any depression in the home market, will

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be sent here in greater quantities than ever. And, if hitherto they have successfully carried on this trade, and checked our manufactures, while the nominal duty has been forty-five per cent. surely, when, as proposed by this bill, the nominal duty shall be thirty per cent. only, they will completely destroy our manufactures of cottons, woollens, iron, and sugar, and, in a few years, take entire possession of the American market, supplying it when they please, and at such prices as they choose to demand. What matters it to us, in such an event, whether the British duty on woollens be fifteen or fifty per cent.? And will she abandon her agriculture, kill her flocks and her cattle, and take our grain, and provisions, and wool, in exchange for her manufactures? Never! Will France? No, never! They cannot do it, without individual and national sacrifices, which neither can ever make.

Not only our manufactures of cottons, woollens, iron, and sugar, but of lead, tobacco, hats, boots, shoes, and of other common necessities of life, are all protected by duties exceeding, and some of them greatly exceeding, thirty per cent. upon their value: yet all these are to be prostrated at a blow by this novel experiment, for the benefit of our navigation!

This is called a navigation bill. And what, sir, will be its effects upon the shipping interest of the United States? It is quite apparent that our commercial marine cannot, at the present day, find profitable or constant employment in the service of foreign countries—though it is probable that a few may be thus constantly and profitably employed. The reason is obvious. There is now scarcely a commercial nation that is not its own carrier. It follows, then, that our commercial marine must depend entirely upon the labor of our own citizens, and be sustained, if at all, by carrying to market the surplus products of that labor. And it is equally clear that these products must be adapted to the state of the market; that is, to the wants of the taste of the buyer. This presents to us, therefore, the true and only inquiry, shall we still rely, as formerly, upon finding a market for these crude, unwrought products? Our cotton, rice, and tobacco, the produce of two millions of our citizens, still find a market abroad; but there is comparatively none for the bread stuffs and provisions, which could be readily, as heretofore, supplied to any amount by the remaining eight millions of our citizens. This is easily accounted for. Nations that we used to feed, now feed themselves; and they no more want to buy of us, than we do of them. This branch of commerce, once so thriving and lucrative, and which employed so many of our merchant vessels, is now falling off. The cotton, tobacco, and rice of the South, great as they are, will give constant employment to but few of them. What, then, is to sustain our merchant vessels—our navigation? That is the question. The old sources are drying up. A new condition of things has arisen, and there is no getting back to the old again. Whence, then, is help to come? From manufactures, added to such raw materials as still find a market abroad. The ability of eight-tenths of our citizens to produce raw materials, is daily increasing; and yet the foreign market for them is daily diminishing. Now, then, is their skill and labor to be brought in aid of the shipping interest, except by giving new form and value to the raw material? And will not such an amount of skill and labor, in the shape of manufactures, give new life and strength to our navigation? Yet this bill proposes to benefit navigation, by prostrating our manufacturing establishments; thus cutting off the very means by which it is to live. Sir, will England, France, and Russia give up their commercial marine, or hazard its prosperity, upon the condition that they shall supply us with manufactures, and we them with cotton, tobacco, and bread? They are now, more than ever, our determined competitors on the ocean. They will not, for they cannot, cease this competition.

How, then, can we sustain ourselves, unless we, like them, draw nutriment and strength from the loom and the anvil? Unless we apply our skill and labor to existing habits and wants, and put in requisition all our means, as they do theirs, to supply them, how can we hope to extend our commerce, or our power?

But it is said that our navigation is declining, and that this is owing to our tariff laws. Down to 1807, the United States enjoyed a large and unrivalled carrying trade. Thence, to the general peace in Europe, in 1815, our ships, during the greater part of the time, were detained in port by the embargo and the war, and the carrying trade, in the interval, fell chiefly to Great Britain. This injured our navigation, and benefited hers. Since that period, a new condition of things has arisen, in consequence of which we have powerful, interested, and persevering rivals in the carrying trade, which once gave us such ample employment and profit. Still, and in spite of this rivalry, our tonnage has not only not declined, but is now, in fact, greater, in proportion to our population, than that of Great Britain, or of any other nation. The treasury records prove that it amounted, in 1824, to one million three hundred and eighty-nine thousand one hundred and sixty-three tons; in 1825, to one million four hundred and twenty-three thousand one hundred and eleven; in 1826, to one million five hundred and thirty-four thousand one hundred and ninety; in 1827, to one million six hundred and twenty thousand six hundred and seven; and, in 1828, to one million seven hundred and eighteen thousand seven hundred. There has been a gradual increase since 1818, when the tonnage lists were corrected; and, since 1823, the increase has been about four hundred and eighty thousand tons. This does not look much like decay. The shipping interest may be, and doubtless is, greatly depressed. So is almost every other interest. Our domestic manufactures, annually exported, amount to several millions of dollars, and the quantity and value are rapidly increasing.

The dye woods and other dye stuffs imported from abroad already employ a large amount of tonnage, and will annually employ more and more. And yet my colleague, [Mr. CAMBRELENG] by way of benefiting navigation, proposes a measure which will dry up the sources, and paralyze the hands that sustain it, and finally cast it adrift upon the ocean, to seek and serve other, and kinder, and wiser masters.

My colleague spoke of some contest between the democracy and aristocracy of England. Sir, that is a matter which I shall leave entirely to my colleague, Mr. Huskisson, and the British Parliament, to settle in their own good time and way. But he made another assertion, which I cannot pass over in silence. He said there was, in this country, "an aristocracy of manufacturing capitalists, who would, if they could, grind the democracy of this nation to ashes." There has, indeed, lately sprung up an official aristocracy in our country. But a manufacturing aristocracy! Our manufacturers aristocrats? Why, sir, should one of them attempt to coerce the opinions or votes of those he employed, he would find, to his cost, none so poor in purse or spirit as not to spurn him, and quit him. Why not talk of an aristocracy of farmers, or of mechanics? Sir, between the farmers, mechanics, and manufacturers, there is a dependence which is mutual and inseparable. Had my colleague [Mr. CAMBRELENG] understood the interests, pursuits, and feelings of the democracy of the country, he would not have used such language. What the democracy of the city is, I pretend not to know; but, in the country, I do know what it is. Farmers, mechanics, manufacturers, laborers, men who earn their bread in the sweat of their face, these constitute the bone, and blood, and muscle of the democracy of the country; these are the men who will neither grind nor be ground to ashes—and this is the democracy that

knows the difference between a manly dependence on its own skill and labor; and a servile dependence on the workshops of England.* If my colleague [Mr. CAMBRELENG] is still incredulous, let him propose to relieve the democracy of the country, by burning and destroying the manufacturing establishments among us. This democracy, whose oppression he so much deplores, will then teach him that the relief he proposes is ruin in disguise. This same democracy will also teach him that there is a lack of wisdom in tampering with interests whose magnitude and connexions one does not comprehend.

I will detain the House but a few moments longer. Reason and experience have shown the necessity, and demonstrated the value, of the protective system; persuaded that it has done much, and will do more in advancing the prosperity of the nation, I am for maintaining it. I think we are bound to do so. This bill holds out to England, and other nations, hopes, which I am sure can never be realized. These perpetual proffers are unfair to them and to our own merchants. England should be made to know that we mean fairly, but effectually, to protect the capital, skill, and labor of our own citizens; that this policy is settled; and that, with regard to it, there will be no compromise—there can be none. Of this, she has no right to complain. She protects her interests, and we must do the same. The "American system" will give us wealth and strength in peace, and men and money in war, and we cannot abandon it without exposing the nation, naked and defenceless, to the arts and arms of her enemies.

SALT.

Mr. TALIAFERRO rose, and said, he asked of the House a favor which he had never asked before, and which he had never refused to any other member who requested it. It was that the House would grant its unanimous consent for him to introduce a resolution, and have it printed.

Inquiry being made as to the nature of the resolution,

Mr. T. said it was of a nature which lay at the door of every man, woman, and child in the nation. It was of the nature of salt.

Leave being granted, Mr. T. handed to the Chair the following resolution:

Whereas salt is an article which enters into the daily consumption of every human being in our country, as a matter of primary and unavoidable necessity, and is, to a very great extent, procured at a high price, compared with the cost of producing it, which too often exposes the poor consumer to the grinding exactions of the vender and monopolist of the article. Influenced by such, and by other obviously sound considerations, Congress never has, except under circumstances of great and emergent fiscal necessity, imposed a duty on salt. And whereas, since the necessity for which the existing tax on salt was imposed (after five years entire exemption of it from duty) in the years 1813 and 1816, has been successfully met and overcome by the patient bearing and faithful payment of this and the other taxes by the people; and the Government no longer needs the revenue arising from the existing tax on salt:

Resolved, That, from and after the 30th day of September next, the duty imposed on all salt imported into the United States, and the territories thereof, shall be ten cents the measured bushel; and that, from and after the 30th day of September, 1831, salt may be imported as aforesaid, free of any duty whatever.

Resolved, That the Committee of Ways and Means be instructed to prepare and report a bill in conformity with the foregoing resolution.

The resolution being read, Mr. T. moved that it be laid on the table, and be printed.

Mr. POTTER hoped the gentleman would withdraw his motion, and allow the resolution to be now considered.

Mr. TALIAFERRO did not intend to ask for its consideration at this time, but, at the request of the gentleman from North Carolina, he would withdraw his motion to lay it on the table.

Mr. POTTER then demanded the question of consideration.

Mr. IRVIN, of Ohio, reminded Mr. T. of his promise, if the resolution were received, to ask that it be laid on the table, and not now considered.

Mr. TALIAFERRO immediately rose, and asked as a favor of Mr. POTTER that he would withdraw his motion, and permit the resolution to be laid on the table; and he begged pardon for having for a moment forgot the pledge which he had given, in first yielding to the request of Mr. POTTER; he regretted it, and hoped that gentleman would permit him to redeem his pledge.

Mr. POTTER accordingly withdrew his motion; and then, on motion of Mr. TALIAFERRO, the resolution was laid on the table.

THE TARIFF.

The engrossed bill "to amend the act in alteration of the several acts laying duties on imports," was read the third time, and the question stated, "Shall the bill pass?"

Mr. HALL, of North Carolina, said, he had not heard distinctly the title, and wished to hear it. He had understood the bill to be a bill for enforcing the collection of the revenue; he wished always to call things by their right names. He had never given a tariff vote, nor did he ever intend to do so; but, sir, [said Mr. H.] I should certainly do so were I to vote for this bill. This is a bill, professedly and in fact, to enforce the tariff law of 1828. The original bill to which this is proposed as an amendment or substitute, was intended for the same purpose. And why is the amendment, or the bill itself, proposed or required? Evidently because the tariff of 1828 is defective—is inefficient. This bill is to supply the defect—to give the efficiency desired. It is, therefore, to be the efficient cause—the real *causa causans* of any additional effect produced by the tariff of 1828, whether for good or evil. As, therefore, I never did give a tariff vote, and as this bill is virtually, and to all practical purposes, the tariff law of 1828, I shall not vote for it. I am aware that, in regard to amendments of a certain character, I differ with many here in my construction of the *lex parlamentaria*. All alterations, sir, are not amendments. This is one instance in point. All propositions purporting to be amendments are not really so. When the primary law was presented to me, I abhorred it as much as nature abhors a vacuum. If a bill was before us, bad in its nature, and a substitute under the name of amendment offered, so garnished (though containing the same principles) as to make it more easily swallowed, it would, in point of principle, be no amendment, but a mere substitute, in form. Where an amendment offered has the effect of striking off a portion, by which the actual evil is lessened, this is both an alteration and amendment, but not so the striking out one evil, and inserting the same in effect. I have never suffered myself to be thus caught by the name of amendment. Sir, I should not have voted for this bill had the salt been retained in it—it was not to my taste, however well salted. I would as soon have voted for the bill itself, called Mallary's bill, because I could not have been made to vote for either.

Mr. TUCKER, of South Carolina, entered pretty largely into a statement also of his objections to the bill, and to the protecting system. He was followed by

Mr. CHILTON, of Kentucky, who argued earnestly at some length on the same side, and concluded with a motion to lay the bill on the table, which was negatived.

Mr. CAMBRELENG briefly stated why he should vote for the bill, notwithstanding his repugnance to some of its provisions, which he deemed improper, but which he relied on the Senate to rectify.

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The question was then put on the passage of the bill, and decided in the affirmative by the following vote:

YEAS.—Messrs. Angel, Armstrong, Arnold, Bailey, Barber, Bartley, Bates, Baylor, Beekman, John Blair, Bockee, Boon, Borst, Brown, Buchanan, Burges, Butmap, Cahoon, Cambreleng, Chandler, Childs, Clark, Coleman, Condict, Cooper, Cowles, Hector Craig, Robert Craig, Crane, Crawford, Creighton, Crowninshield, Daniel, John Davis, Denny, De Witt, Dickinson, Doddridge, Duncan, Dwight, Earll, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Findlay, Finch, Forward, Fry, Gilmore, Grennell, Hawkins, Hemphill, Hodges, Hoffman, Howard, Hughes, Hunt, Huntington, Ihrie, Ingersoll, Irwin, Irvin, Isaacs, Jennings, Johns, Richard M. Johnson, Kendall, Kennon, Kincaid, Perkins King, Lecompte, Letcher, Lyon, Magee, Mallary, Martindale, L. Maxwell, McCreery, Mercer, Mitchell, Monell, Muhlenberg, Norton, Overton, Pearce, Pettis, Pierson, Powers, Ramsey, Randolph, Reed, Richardson, Rose, Scott, Shilda, Semmes, Sill, Smith, Ambrose Spencer, Sprigg, Stanbery, Standifer, Sterigere, Stephens, Henry R. Storrs, William L. Storrs, Strong, Sutherland, Swann, Swift, Taylor, Test, Thomson, Tracy, Vance, Varnum, Verplanck, Vinton, Washington, Whittlesey, Campbell P. White, Edward D. White, Wickliffe, Yancey, Young.—127.

NAYS.—Messrs. Anderson, Archer, John S. Barbour, Philip P. Barbour, Barringer, Chilton, Claiborne, Clay, Conner, Crockett, Crocheron, Davenport, Deberry, DeSha, Drayton, Dudley, Gordon, Hammons, Harvey, Cave Johnson, Lea, Lent, Loyall, Lewis, Lumpkin, Maxwell, McCoy, McIntire, Polk, Rencher, Roane, William B. Shepard, Augustine H. Shepperd, Richard Spencer, Taliaferro, Trezvant, Tucker, Wayne, Weeks, Williams, Wingate.—40.

So the bill was passed, and sent to the Senate for concurrence.

[The bill passed the House in the following shape:]

“*Be it enacted, &c.* That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional appraiser of merchandise for the port of New York, who shall take a similar oath, and have like power and compensation, and perform the same duties with the appraisers now authorized by law to be appointed at that place.

“*Sec. 2. And be it further enacted,* That the Secretary of the Treasury may appoint not exceeding four assistant appraisers in New York, two in Philadelphia, and two in Boston, who shall be practically acquainted with the quality and value of some one or more of the chief articles of importation subject to appraisement, to be employed in appraising goods in such manner as shall be directed by the Secretary of the Treasury, and who shall take and subscribe an oath diligently and faithfully to examine and inspect such goods, wares, or merchandise as the principal appraisers may direct, and truly to report to them, to the best of their knowledge and belief, the true value thereof, according to law; whereupon, the principal appraisers shall revise and correct the same as they may judge proper, and report to the collector their decision thereon: but if the collector shall deem any appraisement of goods too low, he shall have power to order a re-appraisement, either by the principal appraisers, or by three merchants designated by him for that purpose, who shall be citizens of the United States, and cause the duties to be charged accordingly.

“*Sec. 3. And be it further enacted,* That, from and after the thirteenth day of September next, whenever goods, of which wool or cotton is a component part, of similar kind, but different quality, are found in the same package, it shall be the duty of the appraisers to adopt the value of the best article contained in such package as the average value of the whole; and if the owner, importer, consignee, or agent for any goods appraised, shall consider any ap-

praisement, made by the appraisers, or other persons designated by the collector, too high, he may apply to the collector in writing, stating the reasons for his opinion; and having made oath that the said appraisement is higher than the actual cost and proper charges on which duty is to be charged, and also that he verily believes that it is higher than the current value of the said goods, including said charges, at the place of exportation, the collector shall designate one merchant, skilled in the value of such goods, and the owner, importer, consignee, or agent may designate another, both of whom shall be citizens of the United States, who, if they cannot agree in an appraisement, may designate an umpire, who shall also be a citizen of the United States; and when they, or a majority of them, shall have agreed, they shall report the result to the collector; and if their appraisement shall not agree with that of the United States' appraisers, the collector shall decide between them.

“*Sec. 4. And be it further enacted,* That the collectors of the customs shall cause at least one package out of every invoice, and one package at least out of every twenty packages of each invoice, and a greater number should he deem it necessary, of goods imported into the respective districts, which package or packages he shall have first designated on the invoice, to be opened and examined; and if the same be found not to correspond with the invoice, or to be falsely charged in such invoice, the collector shall order, forthwith, all the goods contained in the same entry to be inspected; and if such goods be subject to an ad valorem duty, the same shall be appraised; and if any package shall be found to contain any article not described in the invoice, or if such package or invoice be made up with intent, by a false valuation, or extension, or otherwise, to evade or defraud the revenue, the same shall be forfeited; and the fifteenth section of the “Act supplementary to an act to amend an act entitled ‘An act to regulate the collection of duties on imports and tonnage,’ passed second March, one thousand seven hundred and ninety-nine, and for other purposes,” passed first March, one thousand eight hundred and twenty-three, and also so much of any act of Congress as imposes an additional duty or penalty of fifty per centum on duties upon any goods which may be appraised at twenty-five per centum, or ten per centum, above their invoice price, is hereby repealed; and no goods liable to be inspected or appraised as aforesaid, shall be delivered from the custody of the officers of the customs, until the same shall have been inspected or appraised, or until the packages sent to be inspected or appraised shall be found correctly and fairly invoiced and put up, and so reported to the collector: *Provided,* That the collector may, at the request of the owner, importer, consignee, or agent, take bonds, with approved security, in double the estimated value of such goods, conditioned that they shall be delivered to the order of the collector, at any time within ten days after the package or packages sent to the public stores shall have been appraised and reported to the collector. And if, in the mean time, any of the said packages shall be opened, without the consent of the collector or surveyor given in writing, and then in the presence of one of the inspectors of the customs, or if the said package or packages shall not be delivered to the order of the collector, according to the condition of the said bond, the same shall, in either case, be forfeited.

“*Sec. 5. And be it further enacted,* That it shall be the duty of the collector to cause all goods entered for re-exportation, or for transportation from one port or place to another, with the right of drawback, to be inspected, and the articles thereof compared with their respective invoices, before a permit shall be given for lading the same; and where the goods so entered shall be found not to agree with the entry, they shall be forfeited; and every importer, owner, consignee, agent, or exporter, who shall enter goods for importation, or for exportation, or transportation

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from one port or place to another, with the right of drawback, shall deposit with the collector an original invoice of such goods, to be filed and preserved by him in the archives of the custom-house, which shall be signed by such importer, owner, consignee, agent, or exporter, and the oath to be made on the entry of such goods as shall be annexed thereto.

"*Sec. 6. And be it further enacted*, That the assistant appraisers at New York shall receive a compensation of fifteen hundred dollars per annum; and those at Boston and Philadelphia, a compensation of twelve hundred dollars per annum, to be paid out of the proceeds of the customs; and the clerks and all other persons employed in the appraiser's office, shall be appointed by the principal appraiser, and their number and compensation limited and fixed by the Secretary of the Treasury.

"*Sec. 7. And be it further enacted*, That all forfeitures incurred under this act shall be sued for, recovered, and distributed according to the provisions of the act entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine: *Provided*, That the appraisers shall, in no case, receive any proportion of such forfeiture: *And provided, also*, That the Secretary of the Treasury shall be, and he is hereby, authorized to remit any such forfeiture, whenever he is of opinion that no fraud on the revenue was intended.

"*Sec. 8. And be it further enacted*, That whenever, in the opinion of the Secretary of the Treasury, it may be necessary, in order to carry into full effect the laws for the collection of the revenue, he may authorize the collector of any district into which goods, wares, or merchandise subject to duty may be imported, to require the owner, importer, or consignee of such goods, wares, or merchandise, to give bond, in addition to the bond now required by law, in a sum not exceeding the value of such merchandise, that he will produce, or cause to be produced, within a reasonable time, to be fixed by the said Secretary, such proof as the said Secretary may deem necessary, and as may be in the power of the said owner, importer, or consignee to obtain, to enable the collector to ascertain the class or description of manufacture, or rate of duty to which such goods, wares, or merchandise may be justly liable.

"*Sec. 9. And be it further enacted*, That, from and after the thirtieth day of September next, all iron manufactured for railroads shall be liable to the same rate of duty which is now imposed on bar or bolt iron of similar manufacture, and that all scrap iron shall be liable to the same duty that is charged on iron in pigs: *Provided, however*, That when it shall be satisfactorily proved to the Secretary of the Treasury that any of the said iron imported for the purpose of being applied in the construction of any railroad, by any State or incorporated company, has been actually and permanently laid on any such railroad, that then, and in that case, he may allow to such State or company a drawback of the duty on such railroad iron so laid; or, if the duty on the same shall have been actually paid, he may refund the same: *Provided*, Such drawback or repayment shall not reduce the duty to be paid on such iron below twenty-five per cent. ad valorem, nor when in any less quantity than twenty tons."

REMOVAL OF THE INDIANS.

On motion of Mr. BELL, the several special orders of the day were postponed, and the House resolved itself into Committee of the Whole, Mr. WICKLiffe being called to the chair, and took up the bill making an appropriation to enable the President of the United States to effect an exchange of lands with the Indians within the States, and to provide for their removal beyond the river Mississippi.

Mr. BELL, chairman of the Committee on Indian Affairs, rose, and addressed the committee at large, in explanation of the objects of the bill, and the policy and

expediency of the measures which it contemplated. Having spoken upwards of two hours, he intimated his willingness to give way, and allow some other gentleman to continue the argument, if it was the pleasure of the committee to sit longer, reserving what he had further to say for another day.

Mr. LUMPKIN, of Georgia, rose, and expressed a willingness to proceed with the remarks which he designed to make, if the committee were disposed to continue the sitting; but, it being half after three o'clock, (and some members intimating a wish, after the late fatiguing sittings of the House, that the committee should rise,) he gave way, and the committee rose.

FRIDAY, MAY 14, 1830.

NAVIGATION AND IMPOSTS.

The House resumed the consideration of the bill concerning navigation and imposts.

Mr. CAMBRELENG said, it was not his intention during the present session to go into a full examination of the important and comprehensive measure now under consideration. The committee had not anticipated its adoption until some modification had been made in an existing impost system. Gentlemen had, however, commenced a war against it, more distinguished for zeal than moderation, and seemed determined at all hazards to force the House into a premature debate, and in opposition to the wishes of the committee. He should not, by such a course, be driven from his purpose, which was to have the question postponed until the next session. He should merely reply now to some objections which had been urged, and endeavor to satisfy the House that, whether expedient or not, the measure proposed was worthy its serious consideration. He had certainly misconceived the great and permanent interests of this country, if the policy recommended was not essential to the prosperity of its industry, and not only so, but absolutely required in the actual condition of our commercial and political relations with foreign nations.

He could not refrain from expressing his surprise at the novelty of the course pursued by gentlemen opposed to the bill—at this extraordinary impatience to reject it, without even condescending to examine its provisions, and certainly, from their own declarations, without comprehending its design, scope, or practical operation. Gentlemen seemed to have been hurried away by their suspicions. The measure was too monstrous even to be entered upon the journals of the House—it must be instantly and absolutely rejected. It is not, sir, the first instance, where measures designed to enlarge the prosperity of the country, and to increase its power, have been hastily condemned, and upon equally solid grounds. There is no difficulty, however, in accounting for this premature hostility, when we advert to discussions elsewhere. It may be safely ascribed to certain idle speculations of the last summer on our negotiations with Great Britain, and the outcry then raised and still echoed here, for political purposes, that this administration were about to get rid of our tariff by negotiation. Gentlemen may dismiss their suspicions and their fears. The majority of the committee are alone responsible for this measure, be it good or bad; and let me assure them that they have entered into no conspiracy to break down any one interest in the country. No, sir, however I may deprecate the policy adopted since the war, if there be any party or association of men, here or elsewhere, whose purpose it is to break down any established interest, I am not with them. I had nothing to do, sir, with imposing duties, or with stimulating our countrymen to engage in rash and unprofitable speculations; but I will share in no scheme to annihilate investments made upon the faith of our laws, however I may have denounced such measures as mischievous and disastrous. I will labor zeal-

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ously to relieve every branch of industry from taxation, and to moderate every burden which we have unnecessarily heaped upon the country pending the Presidential contests, and absolutely for no other than electioneering purposes. In accomplishing this desirable change in our impost system, I shall use my humble efforts to secure a wise and just medium between the acknowledged right of a vast community of consumers on the one hand, and the moderate, and, I trust, well founded expectations of the manufacturers on the other. Immoderate imposts can be of no permanent utility to them or to the country. I am much mistaken, sir, if the time is not rapidly approaching when the gentleman from Massachusetts will be glad to accept even my humble aid in resisting that reaction which must inevitably follow, when, under temporary excitement, and for no wise purpose, we carry our measure of impost beyond the point of justice or endurance. With the reduction of our public debt, and our federal expenses, we must anticipate a repeal or diminution of some of our taxes. It may yet require our united and strenuous efforts to prevent our rates of impost from being so suddenly and so greatly reduced as to produce calamitous consequences. And let me tell gentlemen that this evil will not be either postponed or moderated by any fruitless and unjustifiable attempt to perpetuate our present immoderate and prohibitory duties.

I must be pardoned, sir, for not attempting to follow my colleague [Mr. STRONG] through his long argument on the tariff. I certainly intend no disrespect; but he seemed to me to devote very little of his attention to the bill under consideration. He appeared to be employed from day to day in answering the arguments which had been advanced in opposition to the bill reported by the Committee on Manufactures. So far as he condescended to notice this measure, he seemed not only to misapprehend its provisions, but to mistake the principles on which it was founded, and to misconstrue our commercial treaties and revenue laws.

My colleague imagines, and I find it to be the common opinion here, that we calculate our duties on the value of imported merchandise in foreign countries; and he, therefore, concludes that a reciprocal duty would operate unfavorably for us. Our rule of valuation corresponds substantially with that adopted in Great Britain, and in every other country of whose laws I have any knowledge. We take, it is true, the value abroad as the basis of our estimate; but we superadd to that value ten per cent. on merchandise imported from countries this side of the Cape of Good Hope and Cape Horn, and twenty per cent. when coming from places beyond them, and the aggregate on which duty is calculated is on an average fully if not more than equivalent to the actual value in this country. Our mode of valuation differs from that adopted in Great Britain, but the valuation is substantially the same. If the British mode should, however, be preferred, I do not now perceive any material objection to its introduction, as it would dispense with many vexatious provisions in our laws. This has been our rule of valuation ever since 1789, and the only exception to it grows out of a construction given to one of the provisions of the act of 1828.

My colleague has argued at length to prove that this measure would violate some of our commercial treaties. I shall not, at this time, detain the House by examining rules of public law. Our national faith is pledged, with or without treaty, to place the vessels and productions of all nations on an equal footing, that is, to charge the same and no higher duties on either when entering our ports under similar circumstances. But this obligation, whether by treaty or otherwise, does not deprive us of our unquestionable natural right to enter into reciprocal commercial arrangements with any foreign power; nor does it in any manner restrict or control our right to regulate our commerce, navigation, or revenue at our own discretion, so long as we offer to all nations, without dis-

crimination, equal privileges. If, under the proposed measure, the produce and manufactures of one nation should be admitted into this country at a less rate of duty than those of another, it will be the fault of that nation, not ours—it will be because, by denying to us corresponding privileges, she declines securing for her own produce and manufactures the important advantages resulting from a reciprocal abolition of prohibitory duties. It will grow out of her own voluntary negligence, and she will have no right to complain of any breach of treaties or violation of national law. If her navigation, commerce, and manufactures be injured, she has the remedy in her own hands. It would be extraordinary, indeed, if we had bound ourselves by existing treaties to admit the produce and manufactures of nations continuing to enforce prohibitions against us, at that reduced rate of duty which we had conceded to another power, in consideration of a mutual stipulation that all duties higher than thirty per cent. should be abolished. If the measure proposed should conflict with our treaty with Great Britain, or with any other power, it cannot be for our interest to perpetuate an obligation which controls our right to reciprocate commercial privileges with all other nations.

If the doctrine of my colleague be correct, our treaties have been repeatedly violated, and Great Britain, France, Spain, Holland, &c. might claim from us the more extensive commercial privileges which we have granted by our navigation laws and treaties to Prussia, Austria, Denmark, Sweden, Norway, the Hanseatic League, Central America, Brazil, &c. The measure under consideration proposes to all nations the reciprocal removal of prohibitions, and is in strict accordance with every sound rule of national law and justice.

My colleague is apprehensive that if we pass this bill British ships may bring cargoes from Portugal. I am utterly at a loss how he could arrive at this extraordinary conclusion; I know of no law, no treaty, by which it would be authorized, and there is no such provision in the measure proposed. [Here Mr. STRONG explained.] Sir, I shall relieve my colleague from his apprehensions. I shall presently have occasion to show what can now be done by British, Portuguese, and American ships, and how they may be employed, should this measure be adopted.

The only substantial objection stated by my colleague—at least as far as I could comprehend his argument—was, that this measure would conflict with a provision in the Florida treaty of 1819, which guarantied to Spain and her dependencies exclusive and national privileges in the ports of Pensacola and St. Augustine. Nothing, sir, but the peculiar circumstance of negotiating a treaty for the acquisition of a territory could pardon the introduction of such provisions as are contained in the Louisiana and Florida treaties. They were admitted, doubtless, through the urgent and controlling considerations attending a negotiation for a valuable territory. This exclusive privilege in the Florida treaty has unfortunately conflicted with every commercial treaty entered into since 1819, without, however, substantially operating to an extent worth attention. It was impracticable, in framing those treaties, not to consider Florida as a part of our Union. But, sir, my colleague may dismiss all his apprehensions that the measure now proposed will violate our treaty with Spain. The exclusive privilege was granted only for twelve years, and will expire in 1831, before we can secure commercial reciprocity with any nation under this or any other law or treaty.

I shall now pass, sir, to the gentleman from Massachusetts, [Mr. GORHAM.] It is with me a source of regret whenever I am compelled to differ with that gentleman on any question. Indeed, such is my respect for his opinions—such my confidence in his extensive information and sound judgment—that I am generally disposed to doubt the policy of any measure I may propose when it encounters his opposition. But he must pardon me for withhold-

ing my confidence in his judgment on the present occasion. I cannot surrender my opinions to any gentleman who will venture to condemn a new and important measure without condescending to examine its provisions, or to reflect on its operation. I was surprised, sir, to hear a gentleman so distinguished for moderation, denounce the bill reported by the committee as a monstrous measure, which would "derange our whole revenue system, change all our commercial relations at home and abroad, and introduce an endless series of frauds and perjuries." But my surprise entirely subsided when the same gentleman declared, in debate, a few days after this unmeasured denunciation, that he had never even read the report of the committee, the main object of which was to explain the policy of this identical measure, and to point out its commercial and national advantages! Such a condemnation was at least premature, and not altogether just towards a majority of the committee of which that gentleman was a member.

While, sir, I had not anticipated so sudden and harsh a judgment on the part of the gentleman from Massachusetts, I by no means expected his support of any measure calculated to introduce an equitable reciprocity in our commerce with foreign nations. He is not only opposed to this bill, but to every law or treaty enacted or negotiated since the war, proposing or stipulating a mutual abolition of all discriminating duties of tonnage and impost. He avows his hostility to a policy which I have never known questioned by a committee in either House, and which no party or administration has ever opposed. It is no wonder that those who attribute the relative decline in our navigation to such salutary and just measures, should be startled at any proposition threatening to remove unnecessary and unprofitable restrictions on our intercourse with foreign countries.

But, sir, the honorable gentleman tells us that the bill contains an alarming provision, which "transfers to the President the whole control over the commerce and revenue of the country." And what is this tremendous transfer of power to the Executive? Nothing more, sir, than what is assigned him by every act of Congress—the mere duty of executing the law according to its express provisions. The bill proposes that, upon the compliance of any foreign nation with certain conditions, which are minutely and expressly provided for, and over which he has no control whatever, "the President of the United States shall issue his proclamation," merely declaring that the condition of the act has been complied with; and the law which we make, and not the President's proclamation, establishes a reciprocal maximum duty in the following words: "And from and after twelve months from the date of such proclamation, it shall be, and it is hereby declared to be, lawful to import into the United States the produce and manufacture of such country," &c. The power is not in the President or his proclamation, but in the act of Congress. This novel and alarming provision may be found in almost every act regulating our intercourse with foreign nations since 1789. Without referring to the important measures which preceded our late war, I will merely direct the gentleman's attention to the acts of March, 1815, and May, 1828, repealing conditionally our discriminating duties of tonnage and impost; and, moreover, to all our acts regulating our intercourse with the British West India colonies, and involving not merely questions of discriminations or rates of impost, but the absolute interdiction of the commerce itself. This alarming provision, sir, is nothing more than an authority given to the President to announce to the Union that some foreign country has reciprocated the commercial provisions of an act of Congress. In other words, that, by the laws of the two countries, all high and prohibitory duties are mutually abolished, preserving on each side a duty amply sufficient to guard against any sudden or injurious consequences to our internal interests, and establishing a maximum for their permanent security.

Considering that the gentleman from Massachusetts has so repeatedly declared that he was no advocate of high duties, his opposition to a measure so well designed to carry his avowed principles into practical operation, is, to say the least, somewhat unaccountable.

The gentleman from Massachusetts was much alarmed, too, for the fate of our sugar planters; "the prosperity of Louisiana would be destroyed at a blow." And how was this calamity to be effected? He told us that Spain could not accept our terms of reciprocity; that the sugar trade with Cuba must be continued under the old duty, which was equivalent to about fifty per cent., while Brazil would engage with us in a reciprocal commerce, by which her sugar would be admitted at thirty per cent. ad valorem. Thus, he says, our whole sugar trade with Cuba, "one of the most flourishing and important branches of our commerce," would be destroyed. The gentleman must pardon me for saying that he has pushed his argument beyond his conclusion. He may see it very clearly, sir, but it is not so easy for others to perceive how the destruction of our sugar trade with Cuba, the most powerful competitor and nearest neighbor of Louisiana, can possibly destroy the prosperity of our sugar planters. Nor is it at all probable that distant Brazil will ever become, under any circumstances, a rival half so dangerous to Louisiana, as an immensely productive and fertile island bordering on the frontier of our sugar-planting region. But the gentleman from Massachusetts may dismiss his apprehensions; the case he has supposed will never happen. Whether Spain can or cannot accept our proposals, the bill will never interfere with our valuable commerce with Cuba. We have, during the present session, reduced the duty on coffee to one cent, a rate far below the maximum of thirty per cent.; and before any arrangements could be made with Brazil or any other country, that gentleman may be assured the duty on brown sugar will not exceed a rate equivalent to thirty per cent. ad valorem. This is a matter which the consumers of this country will regulate for themselves. We may, in this House, have what understanding we please; but the authority of those whom we represent, will inevitably overthrow all our political plans, whether for the preservation of party, or the protection of capital. The tax on brown sugar is one of those heavy burdens from which the country must be partially relieved, and it will require no inconsiderable effort to prevent the duty from being too much reduced. The time is near at hand when Congress will be called upon to adjust a permanent rate of duty, in which the interests of the planters and consumers must and will be mutually consulted. A higher tax than one equivalent to thirty per cent. ad valorem, ought not to be calculated upon by the planters of Louisiana.

The gentleman from Massachusetts apprehends that "British and French goods would come through the Hanse Towns, Holland," &c. It might be so; but no harm could result from that. They would be liable to the same duty as if directly imported, and to forfeiture if an attempt were made to introduce them under the provisions of the bill proposed. Whenever British manufacturers are disposed to run the risk of forfeiture, they have a much easier channel through Canada; where, if successful, they may save the thirty per cent. levied on importations under the authority of this measure. But foreign countries would be interested to prevent such an evasion of our act; they would not willingly permit British or French manufactures to pass through their ports, to the exclusion of their own, and under the reciprocal privileges secured by such a commercial arrangement with the United States.

The last objection urged by the gentleman from Massachusetts is, in his view, undoubtedly the most formidable. He thinks that France and England would desire nothing better than to see us make these commercial arrangements with foreign powers, while, as he tells us, "holding firmly to their restrictive systems towards us, they would en-

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joy, through other nations, all the advantages of a total relaxation of our system towards them." It would be fortunate for the United States if the ministers of France and Great Britain were to adopt the opinions of the gentleman from Massachusetts—if, governed by such counsels, these countries should "hold firmly to their restrictions," and leave us in an undivided reciprocity with other nations. Though France and Great Britain might, through necessity, be compelled to "hold firmly to these restrictions," they would never rejoice to see our navigation actively employed in a mutually free commerce with almost all the nations of Europe and America. They would hardly be gratified to witness the rise of our commerce upon the ruins of their own—to see Portugal, Holland, Germany, Prussia, the Hansatic League, Denmark, Sweden, Norway, and Russia, with most of the southern nations of America, gradually becoming, for all the substantial uses of commerce and navigation, infinitely more important to us than all the colonial empire of Great Britain and France ever can be to those great naval powers. It would never be a source of congratulation to Great Britain to see the commerce between Europe and America monopolized by our navigation through European ports, where our flag would enjoy all the national privileges which she enjoys, on a similar scale, on this side of the Atlantic, in Nova Scotia, New Brunswick, and Canada. Her ministers know too well the basis of British power, to adopt the opinions of the gentleman from Massachusetts. They would never sacrifice any portion of her navigation, to bolster up any interest incapable of sustaining itself, though encouraged by a premium of thirty per cent. *ad valorem*. They might be obliged to yield to political considerations, but they would never from choice "hold firmly to their restrictions," while we were securing to ourselves, by a more liberal policy, the commerce of almost all Europe and America.

When the proposed measure is thoroughly examined, gentlemen will be surprised that it should have encountered so much opposition from Massachusetts. That opposition has, no doubt, originated more from the apprehension of some general reciprocal arrangement with Great Britain, than from any very profound knowledge of the probable operation of the measure proposed, or the national policy on which it is founded. Gentlemen may dismiss their fears—whatever partial engagements may be made with Great Britain at some future period for the mutual benefit of the people of both countries—she can never accept the provisions of this bill, until one of its great objects is accomplished—until she is compelled to abandon all the restrictions she has imposed on foreign nations in their commerce with her whole empire, and to surrender her ancient colonial trade system. Her corn laws are not the chief impediment—even the powerful landed interest of England must ultimately yield to the cries and sufferings of an overgrown population. Nor does the difficulty arise from any stubborn adherence to a system of high duties for the protection of industry; these are fast disappearing from the statute book. No, sir, ministers are restrained from engaging in a general reciprocal commerce with us, by the more imperative considerations of political necessity. They dare not disturb their colonial system, lest they should excite serious discontents in various portions of the British empire. After the emancipation of her colonies from the mother country, she transferred to her northern provinces, and to Ireland, the privilege of furnishing certain staple supplies which had been, before the revolution, furnished from this country, and principally from New England. Ireland has now for fifty years supplied her West India colonies with salted provisions; her fisheries of the North monopolize the markets of the British empire; her northern colonies enjoy the advantage of discriminative duties, which almost exclude the lumber of foreign countries. These, sir, are some of the great difficulties growing out of a long established colonial system,

which render it impossible for Great Britain to reciprocate a measure so comprehensive as that now proposed, till she is compelled to decide on the commercial dissolution of her colonial empire. To take from Ireland a privilege guaranteed by an undisturbed possession of half a century, would rouse a spirit of discontent, almost equal to that so recently allayed; to touch the commercial monopolies of her proud and distant northern colonies, would hazard her colonial dominion on this side of the Atlantic. Thus has Great Britain, by her ancient plans of monopoly in colonial commerce and navigation, voluntarily deprived herself of all opportunity to reciprocate general commercial privileges with foreign nations. Embarrassed as she is with this colonial system, she can never engage in any but special commercial arrangements; should she, however, ever find herself compelled to open the commerce of her whole empire to the United States, in accordance with the broad and reciprocal provisions of the measure proposed—let me tell the gentlemen from Massachusetts, notwithstanding their violent hostility to the bill, that New England will be as deeply interested as any portion of the Union in securing an unlimited commerce with all the dominions of Great Britain. It will be for her to determine whether she will sacrifice so large a market for the produce of her fisheries, her forests, and her agriculture, merely to perpetuate a rate of duty higher than thirty per cent. for the protection of her manufactures! Should it ever be in the power of Great Britain to disembarass herself of her colonial regulations, and to accept the provisions of some measure like that under consideration, however it might alarm the apprehensive capitalist, New England would be the last section of the Union to deny herself the markets of the British empire. But no such event is near at hand; and gentlemen may therefore treat the measure proposed by the committee with more candor, moderation, and justice.

In recommending this measure, the committee consulted our national interests alone. They believed that they were pursuing a course of policy which had been acted upon by the Government since 1815, in our intercourse with foreign nations. This is the third of a series of measures designed to remove impolitic restrictions on our commerce with other countries. The first, of March, 1815, proposed to all nations the removal of discriminating duties of tonnage and imposts, but limited its operation to the direct trade; the second, of May, 1828, embraced the principle of the first, and offered the privilege of importing the productions of every country into the United States, to any nation who would grant us corresponding advantages in their ports: in other words, a proposal was made by us to all nations mutually to nationalize navigation. The measure now proposed removes the last and only obstruction to our commercial intercourse with foreign nations. The principle is the same; the only novelty in the proposal consists in carrying the rule of reciprocity one step beyond the act of 1828.

The privileges of the act of March, 1815, were extended by law and treaty to Great Britain, Russia, Norway, the Netherlands, Sardinia, Oldenberg, and the Papal Dominions. National privileges have been reciprocated with us in accordance with the principle of the act of May, 1828, by Central America, Denmark, Sweden, the Hansatic League, Prussia, Brazil, and Austria. To all these measures, removing our discriminating duties and restrictions on foreign navigation, the gentleman from Massachusetts decidedly objects. He even ventures to ascribe the relative decline in our navigation to this policy. I am compelled to say that those who entertain such opinions take but a limited view of the question. What, sir, was the state of our commercial relations with foreign countries when we proposed to abolish our discriminating duties? We had then, as we have now, the largest proportion of navigation in every branch of our foreign trade, on which were levied abroad discriminating duties of ton-

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nage and impost, equal to, and in some instances greater than those imposed on our side. Almost all the valuable importations from abroad came in our own ships, giving us little or no advantage in the discrimination on impost duties on importations in foreign vessels, while we were charged with tonnage duties abroad to seven times the amount of those levied on foreign navigation in our own ports. The proportion of foreign to American tonnage is now as fifteen to one hundred. What, then, sir, was the arrangement which is so much deprecated by the gentleman from Massachusetts? A proposition on our part to relinquish our discriminating duties on foreign tonnage, provided other nations would relinquish a similar charge on seven times the amount of American navigation. I am at a loss, sir, to comprehend how such an arrangement can be considered disadvantageous to the United States. The policy contended for by the gentleman from Massachusetts might be very sound, provided he could regulate the tonnage duties not only of this but of every other country. That gentleman's system would no doubt operate much to our advantage, if we could impose discriminating duties on our side, while other nations would indulge us with the privilege of entering their ports without any such discriminating charge. But so long as foreign Governments will take the liberty of regulating their discriminating duties for themselves, and will impose charges on our commerce and navigation precisely equal to the rates we may levy on theirs, it is manifestly for our interest that they should be mutually abolished. A policy which in effect merely stipulates with foreign countries for the removal of their taxes on the trade and tonnage of this country, can never, under any circumstances, be one of the causes of the late paralyzed condition of our navigation. There is no difficulty in accounting for the present state of our shipping, when compared with its former prosperity, or with the actual condition of British navigation. We have levied enormous taxes on the materials for shipbuilding, and have imposed prohibitory duties to destroy our commerce with foreign nations.

The second proposal of this Government took a wider range; and essentially departed from those ancient notions concerning navigation, which have so long governed the foreign policy of Great Britain. We boldly proposed to grant to the ships of all countries all the privileges of our national flag in our own ports, in exchange for corresponding privileges in theirs. They might import not only their own produce directly, but the productions of all countries, and from any country. This policy had been introduced into some of our treaties at an earlier period, and was made the basis of our navigation laws in May, 1828, without a division either here or in the Senate. Such arrangements are unquestionably advantageous to a country, situated, as we are, in a position midway between Europe on the one hand, and the southern nations of America on the other—to a people naturally commercial and enterprising—and to a republic already entering the lists for naval empire. Great Britain and France dare not venture to accept the terms of the act of 1828—our position is too advantageous, and the commerce between a temperate and tropical region so natural, that we should, under such a treaty, in a very few years, supply the markets of these countries with the productions of Mexico, Central America, Colombia, Brazil, &c. &c. Such proposals can, moreover, never be accepted by nations tenaciously adhering to their ancient navigation laws, and jealous as France and Great Britain are of their maritime ascendancy. There are, however, other powers in Europe and America, whose commercial and naval interests do not conflict with ours, and with whom we have already entered into treaties on this mutually national basis. The measure now proposed is absolutely necessary to give full operation and effect to this important branch of our national policy.

Sir, this is no small affair, nor to be measured by nar-

row views and petty calculations of local interest. It is a measure of great national concern—one on which the prosperity and power of this country essentially depend—and it is urged upon us by paramount considerations of political necessity. It is for us to determine whether we will look on with indifference, while our great competitors for national power are stretching the arm of commercial empire into every quarter of the globe. It depends on our decision whether we will take advantage of our commercial position, and of the colonial embarrassments of our rivals, and steadily pursue that liberal line of policy which can alone countervail and neutralize all the advantages monopolized by nations holding extensive possessions abroad. It is in our power, by adopting a bold, liberal, and wise policy in our foreign commercial relations, to establish on a permanent foundation a friendly commercial union with nations whose political interests harmonize with our own, and who possess no colonial dominions—a union infinitely more durable and powerful than any political alliance whatever. This country cannot avoid ultimately adopting the policy now proposed, however it may encounter this premature hostility. Republics never have and never will permanently pursue a narrow, unambitious, and selfish policy. We may, for a time, sacrifice our national interests, to turn the fluctuating tide of an election, or postpone them in a contemptible struggle for the transient honors of official station; but this proud and aspiring confederacy will never consent to withdraw from that great contest for naval empire in which the commercial world is engaged. Our foreign relations are of a pacific and friendly character—we have no colonies to defend, to keep in subjection, or involve us in distant wars. Our march is on the ocean—that must ever be the theatre of our contests, and on that theatre we must lay the foundation of our national power. We have peculiar advantages in engaging in the contest for maritime ascendancy. Our great rivals, France and Great Britain, are shackled with ancient interests at home, and colonial dependencies abroad. They are compelled from political necessity to decline that mutual commerce which may be reciprocated by other nations. We are comparatively unshackled; and the time is near at hand, when we shall be still more free to adopt the reciprocity measure now proposed, in our commerce with most of the nations of Europe and America.

The redemption of our public debt must inevitably be attended with an adjustment of our impost system of taxation, better adapted to harmonize the various interests of a great confederacy. As we approach that condition of our finances and commerce, we shall be better able to mature the measure now under consideration, and to appreciate the important advantages it promises to every portion of this Union. Gentlemen will pardon me, sir; but, hurried away by their own suspicions, they have not paused to appreciate the comprehensive advantages which would probably result to this country, should we adopt and persevere in the policy proposed. Our southern neighbors are still young, and comparatively unshackled. We have a deep and powerful interest in securing upon some permanent and equitable basis a mutual commerce with Mexico, Central America, Colombia, Brazil, Buenos Ayres, Chili, and Peru. We have with these young nations a commerce of great and growing importance—an intercourse particularly interesting to our western, middle, northern, and eastern States. If gentlemen will trouble themselves to examine our exports to these countries, they will find them composed almost exclusively of the produce of our fisheries, manufactures, and agriculture—particularly of the two latter. Of these exports, a very inconsiderable portion is the produce of the States south of the Potomac. It is of no importance, sir, to our manufactures to secure their permanent admission into these young countries, under commercial arrangements

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mutually stipulating that prohibitory duties shall be abolished. An arrangement of that character, for ten years, would prove so decidedly advantageous to all parties, that it would soon become the permanent basis of our commerce. Is it of no consequence, sir, to countries in temperate latitudes to secure the markets of nations in tropical climates? Should no step be taken to secure the opportunity of supplying the absolute wants of southern Europe and America, and the overgrown population of older nations? Our furnishing a home market for our agricultural supplies, is an illusion rapidly disappearing; it is following the shades of other illusions which have temporarily sustained our modern and incongruous system of taxation. Sir, either of our larger central States could supply the whole Union with grain; our great Western Valley could furnish enough to supply the deficiencies of all Europe and America. It is all-important to our agriculture that our commerce should be enlarged, and our markets for its productions should be extended in every part of the globe. But, sir, the boundaries of this question are not limited by mere commercial considerations of securing markets at home or abroad. It is with us a question of national honor, safety, and power. Commerce and navigation are the foundation on which these rest. In proportion as they flourish, shall we be enabled to keep the too aspiring ambition of other nations in check, and to protect our national interests, rights, and honor. It is a question, sir, whether we shall wisely use the advantages which Providence has placed within our reach. Our position is admirable for all the substantial purposes of foreign commerce. Is it not for our interest to look abroad? Is it not our policy to make an experiment at least, to interpose our country as a medium of commerce between Europe and the two Americas? It is impossible to comprehend, in one view, the commercial and political relations of all countries—to contemplate the geographical position of this confederacy, and to appreciate the bold and enterprising character of our countrymen, without being sensible of the imperative necessity of exercising a liberal and enlarged policy in our commercial intercourse with foreign nations. With mutual and intimate commercial relations with Mexico, Central America, Colombia, Brazil, Buenos Ayres, Chili, and Peru to the south—and in the east with Portugal, the Italian States, Switzerland, Germany, Holland, the Hanseatic League, Prussia, Denmark, Sweden, and Russia—with the privilege of nationality to our flag in almost all these countries, and with a mutual and general abolition of prohibitory duties—the navigation of this country would soon acquire a decided ascendancy through its enlarged employments between Europe and both Americas. The flags of Great Britain and France would, in a few years, almost disappear in every channel of trade that might be secured to us under such reciprocal arrangements. They never could successfully contend against a power enjoying national privileges in so many foreign countries on both sides of the Atlantic, and substantially monopolizing a commerce with a hundred millions of people. These great rival powers would either be driven to the necessity of abandoning their colonial systems and ancient navigation laws, or compelled to submit to a decline in their commerce, which would be fatal to their naval ascendancy. If they persisted in adhering to their existing policy, their navigation would be limited to those direct channels which are marked out in their ancient statutes—and the poor monopoly of their commerce with their colonial dependencies; while, on the other hand, by steadily persevering in the policy now recommended, we should soon surpass all nations in the extent of our commercial marine—and while thus employed in friendly commerce with all countries, we should be gradually acquiring a naval ascendancy, which would be too much respected by all nations, to be voluntarily encountered by any one power.

Such, sir, are some of the considerations which have induced a majority of the Committee on Commerce to report this bill for the mature deliberation, not only of this House, but of the nation. They ask, at this time, neither its discussion or adoption. The time is approaching when this policy must be adopted as the basis of our commercial relations with foreign countries. Gentlemen have forced the friends of the measure into a premature debate upon its merits. I trust, sir, that I have explained its operation sufficiently to satisfy the House, that, whatever may be its fate at some future session, the measure proposed is at least worthy its candid and mature consideration.

Mr. STORRS, of New York, moved that the bill be laid on the table, with the view [he said] that it should not be taken up again.

Mr. CAMBRELENG intimated that, as he would have the power to move its consideration any time hereafter, should it be laid on the table, he would not oppose the motion.

The question was then put on laying the bill on the table, and carried by the following vote:

YEAS.—Messrs. Allen, Anderson, Armstrong, Arnold, Bailey, Noyes Barber, John S. Barbour, P. P. Barbour, Barringer, Bates, Beekman, John Blair, Bockee, Boon, Borst, Brodhead, Brown, Buchanan, Burges, Butman, Cahoon, Cambreleng, Campbell, Carson, Childs, Chilton, Claiborne, Clay, Clark, Coke, Coleman, Conner, Cooper, Cowles, Hector Craig, Robert Craig, Crawford, Crockett, Creighton, Crocheron, Crowninshield, Daniel, Davenport, Deberry, Denny, Desha, De Witt, Dickinson, Doddridge, Earll, George Evans, Joshua Evans, Findlay, Forward, Fry, Gilmore, Green, Hall, Hawkins, Hemphill, Hughes, Hunt, Huntington, Ihrie, Ingersoll, William W. Irvin, Johns, R. M. Johnson, Cave Johnson, Kennon, Kincaid, Perkins King, Adam King, Lecompte, Letcher, Lumpkin, Lyon, Mallary, Martindale, Thomas Maxwell, Lewis Maxwell, McCreery, McCoy, McIntire, Miller, Mitchell, Monnell, Muhlenberg, Nuckolls, Overton, Pearce, Pettis, Pierson, Polk, Potter, Powers, Ramsey, Roane, Rose, Scott, Wm. B. Shepard, Aug. H. Shepperd, Shields, Semmes, Samuel A. Smith, Ambrose Spencer, Richard Spencer, Standifer, Sterigere, Stephens, Henry R. Storrs, William L. Storrs, Sutherland, Swann, Swift, Taliaferro, Taylor, Test, Tracy, Tucker, Vance, Varnum, Verplanck, Washington, Whittlesey, Edward D. White, Wickliffe, Williams, Yancey, Young.—130.

NAYS.—Messrs. Alexander, Alston, Barnwell, James Blair, Chandler, Condict, Crane, John Davis, Drayton, Dwight, Edward Everett, Foster, Gaither, Gordon, Hammons, Harvey, Haynes, Hinds, Hodges, Hoffman, Lamar, Lea, Loyall, Lewis, Martin, Randolph, Reed, Richardson, Russel, Speight, Strong, Wiley Thompson, John Thomason, Trezvant, Vinton, Wayne, C. P. White, Wilde.—38.

The House took up the amendments of the Senate to the bill reducing the duties on tea, coffee, and cocoa, and, after some explanation thereof by Mr. VERPLANCK, concurred therein.

[The principal amendment is to extend the provisions of the bill to teas now imported, which shall remain in warehouse when the act goes into operation.]

REMOVAL OF THE INDIANS.

The House then resolved itself into a Committee of the Whole on the state of the Union, Mr. WICKLIFFE in the chair, and resumed the consideration of the bill "providing for an exchange of lands with the Indian tribes, and for their removal west of the river Mississippi."

Mr. LUMPKIN was entitled to the floor; but, [he said] considering the circumstances under which he obtained it yesterday, he felt it his duty to resign it to Mr. BELL, who had not finished his remarks.

Mr. BELL then rose, and, after acknowledging the courtesy of the gentleman from Georgia, proceeded with the argument which he commenced yesterday, and addressed the

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committee about five hours on the various questions presented by the bill, and connected with our Indian relations. When he concluded,

On motion of Mr. STORRS, of New York, the committee rose.

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SALT.

Mr. TALIAFERRO moved that the House take up the resolution laid on the table by him yesterday, proposing a repeal of the duty on salt.

Mr. EARLL, of New York, demanded the yeas and nays on the question of consideration, and they were ordered.

Mr. BARRINGER rose to state that he had a substitute for the resolution, which he should offer when in order.

Mr. CONNER called the attention of the Chair to a resolution on this same subject, which he had laid on the table at an early period of this session, which, he presumed, would preclude the present one, while that was unacted on; but

The SPEAKER, on a reference to Mr. C.'s resolution, stated that it did not cover the ground of the present one sufficiently to preclude its previous consideration.

The question, "Will the House now consider the resolution?" was then put, and decided in the affirmative by the following vote: yeas, 90—nays, 76.

Mr. TALIAFERRO then rose, and said it was not his purpose to enter into any discussion of the resolution. His purpose [he said] would be fully answered in having put this proposition into the possession of the House. This course was dictated to him by several considerations, by the late period of the session, and by the late elaborate debate of the question by the House. It would, after that full and recent discussion, be a trespass on, if not an insult to the House, were he now to go into an argument of the question. Declining, therefore, to enter into a discussion of the subject, he rose to do what he had never before done in his life. He had for forty years been in some legislative body or other, and in all that time he had never moved an adjournment, had never called for the yeas and nays, or for the previous question. As, however, the proposition which he had submitted was simple and distinct, untrammelled with any other matter, and fully understood, he would call for the previous question.

Mr. VINTON moved a call of the House.

Mr. DAVIS, of Massachusetts, asked for the yeas and nays on this motion, and they were ordered.

Mr. BARRINGER requested Mr. TALIAFERRO to withdraw his motion for the previous question, to allow him to submit his substitute, understood to embrace a gradual reduction of the salt duty, a reduction of the duty on molasses, and some other modifications of the tariff, which would probably meet with general approbation.

Mr. TALIAFERRO was proceeding to explain why he did not accede to the request of the gentleman from North Carolina, when the Chair reminded him that no debate was in order pending the questions which had been made.

The call of the House was sustained by yeas and nays—90 to 76; but

It appearing by the vote that the House was pretty full, the call was dispensed with, on motion of Mr. STRONG.

Here the hour allotted for the consideration of resolutions having elapsed,

Mr. MARTIN said, if any thing was to be done on the subject of this resolution at all, during the session, it must be done at once. He therefore moved that the rule be suspended, and the discussion allowed to proceed.

The SPEAKER. The gentleman is aware that it requires two-thirds of the House to suspend a rule.

Mr. MARTIN. I am aware of that, sir.

Mr. VINTON demanded the yeas and nays on suspending the rule.

Mr. MARTIN. Rather than consume the time of the House in taking the yeas and nays, he would withdraw his motion; but

Mr. DAVENPORT, of Virginia, renewed the motion; and The question was taken on suspending the rule, and decided in the negative by yeas and nays: yeas, 67—nays, 90.

REMOVAL OF THE INDIANS.

The House then resolved itself into the Committee of the Whole on the state of the Union, Mr. WICKLIFFE in the chair, and resumed the consideration of the bill "providing for an exchange of lands with the Indian tribes within the several States and territories, and for their removal west of the Mississippi river."

Mr. STORRS said, that, if he had believed that the real object and only effort of the bill was to further the policy of providing a country beyond the Mississippi for such of the Indian tribes as might be inclined, of their own free choice, to remove there, he should have cheerfully given his support to the measure. For [said Mr. S.] I heartily respond to the opinion expressed by the honorable member at the head of the Committee on Indian Affairs, who spoke yesterday, [Mr. BELL] that no philanthropic man can look at the condition to which these unfortunate people have become reduced, by a combination of circumstances which now press upon them in some quarters with intolerable severity, without fervently wishing that they were already removed far beyond the reach of the oppression—and, I was about to say, the example of the white man. I hope that I am too well aware of the responsibility of the country to the opinion of the world, and too sensible of the duties we owe to these people, to be found resisting any measure here, which may really improve their condition, or encouraging them to reject any propositions of the Government which may be offered to them for their free acceptance or refusal. But, sir, although the bill now before you presents nothing on its face, which, on a superficial examination, appears to be objectionable, yet we cannot shut our eyes, if we would, to the circumstances which have brought this subject before us at the present session. The papers before the House have convinced me that it is chiefly intended and expected to come in aid of the measures recently taken by the States along the southern line of the Union, for removing the Indian nations within their limits from the country which they now occupy; and, finding a purpose so unjust to these people, and so mischievous to the reputation of the country, lurking under it, I cannot give it my countenance or support.

I shall leave it entirely to others to examine that policy which affects to improve the moral condition of the Indians by removing them into the western forests, and dismiss that part of the subject with the single remark, that the President has furnished us, in his message at the opening of the session, with a fair commentary upon that scheme of Indian improvement. He says, that, "professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness"—that, "by this means, they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditure upon the subject, Government has constantly defeated its own policy; and the Indians, in general, receding further and further to the West, have retained their savage habits." He then recommends to us that we should set apart an ample portion of our western territory, beyond the limits of Missouri and Arkansas, for the reception of all the tribes of Indians now within the States—about sixty thousand—secure them the country, where he says they may enjoy Governments of their own choice, and where "the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony

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among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this Government."

We are fortunately able, sir, to ascertain clearly the state of things which has induced the Executive to recommend this policy to us so earnestly at the present time. There can be no mistake in the history of our relations with certain Indian nations, which has brought this subject before us at this session. It is fully spread upon the official documents of the House for some few years past; and I shall proceed to call your attention to such parts of them as, I trust, will lead us to the only safe and honorable conclusion to which we ought to come upon this whole matter.

By the fifth article of the treaty of New York, of the 7th of August, 1790, the United States solemnly guaranteed to the Creek nation all their lands beyond the boundary then established. The treaty of Holston, of the 2d of July, 1791, with the Cherokee nation, was also entered into, under the administration of General Washington, for the purpose of quieting forever the collisions which had taken place between that nation and the adjoining States. After fixing a new and definite boundary between their lands and these States, and obtaining from the nation its express acknowledgment that they were under the protection of the United States, and of no other sovereign whatever; that they should hold no treaty with any foreign power, individual States, or with individuals, and stipulating for the restoration of prisoners, the treaty contains the following article:

"ART. 7. The United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded."

By the compact with Georgia, of the 24th of April, 1802, on the surrender of her claims to the country west of her present limits, the United States stipulated to extinguish, at their own expense, for the use of Georgia, the Indian title to their lands within that State, as early as it could be "peaceably obtained, on reasonable terms." This article of the compact also recited, that, for acquiring a part of these lands, the President (Mr. Jefferson) had directed that a treaty should be immediately held with the Creeks. There seemed to be no doubt, therefore, originally, between the parties to this compact, as to the manner in which it was to be executed on the part of the General Government. This treaty was accordingly holden on the 16th of June, 1802, and the kings, chiefs, head men, and warriors of the Creek nation, assembled in council, ceded to the United States an extensive tract of country. The commissioners plenipotentiary, who held this treaty, were nominated to the Senate, and their appointments confirmed. By another treaty with the Creeks, (November 14th, 1805,) they ceded other lands to the United States, which also passed to Georgia. Other treaties have followed with this nation, not essential to be now considered, until the administrations of Mr. Monroe and Mr. Adams, when they persisted in refusing to sell any more of their lands. Georgia had, in the mean time, strenuously required of the General Government the fulfilment of its pledge under the compact of 1802. But all the efforts of the Government to induce the Creek nation to part with their lands had failed, until the execution of the articles at the Indian Springs, in 1825, by MacIntosh and some other chiefs, who assumed to represent the Creek nation at that occasion. We all know the melancholy catastrophe which immediately followed, and which all of us must wish could be forever forgotten. The calamities which befell the Creeks filled them with terror. They were in some degree quieted, after great difficulty, and very painful measures, on the part of the General Government, towards Georgia; and found, at last, that their only hope of peace and future security was in listening to the benevolent councils of the administration. They finally surrendered the remnant of their lands to Georgia.

The last administration was then required by Georgia, in atone at least decisive of her intention, to persevere in her own views of the obligation of the compact of 1802, to extinguish the Cherokee title to the lands held by them within that State, and which were covered by the treaty of Holston. The administration repeated its efforts in good faith, to induce the Cherokees to treat; but they resisted all the temptations held out to them, refused to enter into any negotiation, and claimed, on their own part, the protection of the plighted faith of the Government. It was time for the administration to pause, at least—and examine well the ground on which the Government stood. The scenes of 1825 were still fresh in the recollection of all. The blood of MacIntosh and his fellow-chief was yet scarcely dry upon the earth, and the smoke of their habitations had scarcely ceased to curl above the tops of the forest. But the Government continued its efforts in the true spirit of its obligations to Georgia, until it became evident that it was in vain to hope or look for success. The Cherokees remained inflexible, and the perseverance of Georgia placed the administration in a situation in which it was more probable that they might soon be called on to preserve the faith of the country plighted to the Cherokees, in the solemn pledge given to that nation, under the administration of General Washington, for the integrity of their country.

In this condition of things, Georgia put forth her ultimatum, and passed her resolutions of the 27th December, 1827. In these she declared her right to extend her authority over the whole Indian country; to coerce obedience to it; and openly asserted that she could rightfully take possession of the Cherokee lands at her own will and pleasure. During the last year, she has followed up these claims, and annexed their country to the adjacent counties; she has extended her laws over the Cherokees, and coupled with them a peculiar code, framed for that purpose, and applicable to the Indians only. Of the operation and character of these laws, I shall say something before I sit down.

There has been some complaint, on the part of Georgia, that, from the commencement of her collision on this subject with the former administration, she has been much misunderstood, and often greatly misrepresented. It is fair and candid, therefore, that, on this occasion, and in this House, the principles on which she has relied to support her measures, should be stated by herself; that she should be heard in her own words; and that, if she fails to be convinced, the doctrines on which she has rested her pretensions may be no longer mistaken, or her principles misrepresented. I shall not trust myself to state them from recollection, and must ask the committee to indulge me in reading some extracts from the proceedings of her Legislature in 1827. A joint committee of that body, to whom the Governor's message relating to "the acquisition of the Georgia lands, at present in the occupancy of the Cherokee Indians, and the absolute and jurisdictional right of the State to the same," had been referred, reported that they had given that subject the most mature and deliberate consideration, and accompanied the report with an elaborate exposition of the principles on which they founded certain resolutions submitted with it. The whole argument is finally recapitulated, with a comprehensiveness and clearness which relieves me from reading the whole report.

"Before Georgia," says this report, "became a party to the articles of agreement and cession of 1802, she could rightfully have possessed herself of those lands, either by negotiation with the Indians, or by force; and she had determined to do so; but by this contract she made it the duty of the United States to sustain the expense of obtaining for her the possession, provided it could be done upon reasonable terms and by negotiation. But, in case it should become necessary to resort to force, this contract with the

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United States makes no provision; the consequence is, that Georgia is left untrammelled, at full liberty to prosecute her rights in that point of view, according to her own discretion, and as though no contract had been made. Your committee, therefore, arrive at this conclusion, that, anterior to the revolutionary war, the lands in question belonged to Great Britain; that the right of sovereignty, both as to dominion and empire, was complete and perfect in her; that the possession of the Indians was permissive; that they were mere tenants at will; and that such tenancy might have been determined at any moment, either by negotiation or force, at the pleasure of Great Britain; that upon the termination of the revolutionary war, and by the treaty of peace, Georgia assumed all the rights and powers in relation to the lands and Indians in question, which therefore belonged to Great Britain; that since that time she has not divested herself of any right or power in relation to the lands now in question, further than she has in relation to all the balance of her territory; and that she is now at full liberty, and has the power and right to possess herself, by any means she may choose to employ, of the lands in dispute, and to extend over them her authority and laws. Although your committee believe that the absolute title to the lands in controversy is in Georgia, and that she may rightfully possess herself of them, when and by what means she pleases, yet they would not recommend an exercise of that right until all other means fail. We are aware that the Cherokee Indians talk extravagantly of their devotion to the land of their fathers, and of their attachment to their homes; and that they have gone very far towards convincing the General Government that negotiation with them, with the view of procuring their relinquishment of title to the Georgia lands, will be hopeless; yet we do confidently believe that they have been induced to assume this lofty bearing, by the protection and encouragement which has been afforded them by the United States, and that they will speak a totally different language, if the General Government will change its policy towards them, and apprise them of the nature and extent of the Georgia title to their lands, and what will be the probable consequence of their remaining refractory.

"Your committee would recommend that one other, and the last appeal be made to the General Government, with a view to open a negotiation with the Cherokee Indians upon the subject; that the United States do instruct their commissioners to submit this report to the said Indians; that if no such negotiation is opened, or if it is, and proves to be unsuccessful, that then the next Legislature is recommended to take into consideration the propriety of using the most effectual measures for taking possession of and extending our authority and laws over the whole of the lands in controversy. Your committee, in the true spirit of liberality, and for the purpose alone of avoiding any difficulty or misunderstanding with either the General Government or the Cherokee Indians, would recommend to the people of Georgia to accept any treaty that may be made, between the United States and those Indians, securing to this State so much of the lands in question as may remain; after making reserves for a term of years, for life or forever, in fee simple, to the use of particular Indians, not to exceed in the aggregate one-sixth part of the whole territory. But if all this will not do; if the United States will not redeem her pledged honor; and if the Indians continue to turn a deaf ear to the voice of reason and friendship; we now solemnly warn them of the consequences. The lands in question belong to Georgia—she must and she will have them. Influenced by the foregoing considerations, your committee beg leave to offer the following resolutions:

"*Resolved*, That the United States, in failing to procure the lands in controversy as early as the same could be done upon peaceable and reasonable terms, have palpably violated their contract with Georgia, and are now bound, at

all hazard, and without regard to terms, to procure said lands for the use of Georgia.

"*Resolved*, That the policy which has been pursued by the United States towards the Cherokee Indians, has not been in good faith towards Georgia; and as all the difficulties which now exist to an extinguishment of the Indian title, have resulted from the acts of policy of the United States, it would be unjust and dishonorable in them to take shelter behind these difficulties.

"*Resolved*, That all the lands appropriated and unappropriated within the conventional limits of Georgia, belong to her absolutely; that the title is in her; that the Indians are tenants at her will; that she may at any time she pleases determine that tenancy, by taking possession of the premises; and that Georgia has the right to extend her authority and laws over the whole territory, and to coerce obedience to them from all descriptions of people, be they white, red, or black, within her limits."

This report and these resolutions were agreed to by both branches of the Legislature, approved by the Governor, transmitted to the President under the late administration, and are among the papers of this House. They were sent here by the President, in 1828, in answer to a resolution offered by a gentleman from Georgia, [Mr. WILDE.]

I have not been able to ascertain whether or not the late administration complied with the suggestion contained in this report, that these proceedings of the State of Georgia should be laid before the Cherokee nation; but the papers on your table will enable us to judge how far the present administration has, in furtherance of the policy and views of Georgia, changed the former policy of the Government, and apprised the Cherokees of the nature and extent of the Georgia title to their lands, and what the probable consequences would be of their "remaining refractory."

Against all these pretensions of Georgia the Cherokee nation have protested to the present administration as well as to the last. They have asserted the inviolability of their treaties, and invoked the faith and demanded the protection of the Government. They have received the answer of the present Secretary of the Department of War and the President. They have finally appealed to this House, and offered their memorials here as their last refuge from the calamities which they believe await them after we shall have turned them away. Speaking of their case, the President says in his message: "A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call on the United States for protection. Under these circumstances, the question presented was, whether the General Government had a right to sustain these people in their pretensions."

It is to be deeply regretted that before the President assumed the power to decide against the Cherokee nation, the interesting questions, which were thus presented under the constitution, laws, and public treaties of the country, he had not submitted the whole matter to Congress as his constitutional advisers, or at least to the Senate, with the view of disposing of these difficulties by amicable negotiation. It seems that it was expected at one time that this would have been done. The Superintendent of Indian Affairs, in the War Department, in a letter of the 11th of April, to the Cherokee delegation, says: "The Secretary of War is not now prepared to decide the question involved in the act of the Legislature of Georgia, to which you refer, in which provision is made for extending the laws of Georgia over your people after the first of June, 1830. It is a question which will doubtless be the subject of congressional inquiry, and what is proper in regard to it will no doubt

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be ordered by that body." I regret that this disposition of the subject had been made. These questions might doubtless have been safely trusted to Congress. But if this was ever the intention of the Government, it appears to have been soon abandoned. On the 18th of April, and within a week after Colonel McKenney's letter, the Secretary of the Department of War informed the Cherokee delegation, that, since that communication to them, he had conversed freely and fully with the President, and had been directed by him to submit to them his views on the whole subject. He then explicitly tells them that their claims to the protection of the Government, under these treaties and the laws of the United States, against the operation of the laws of Georgia, could not be recognised. I shall not now call the attention of the committee to the doctrines assumed by this department, farther than to read one or two extracts from this letter to the Cherokee delegation.

"To all this," says the Secretary, "there is a plain and obvious answer, deducible from the known history of the country. During the war of the revolution, your nation was the friend and ally of Great Britain; a power which then claimed sovereignty within the limits of what constituted the Thirteen United States. By the declaration of independence, and, subsequently, the treaty of 1783, all the rights of sovereignty pertaining to Great Britain became vested respectively in the original States of this Union, including North Carolina and Georgia, within whose territorial limits, as defined and known, your nation was then situated. If, as is the case, you have been permitted to abide on your lands from that period to the present, enjoying the right of soil and privilege to hunt, it is not thence to be inferred that this was any thing more than a permission growing out of compacts with your nation, nor is it a circumstance whence now to deny to those States the exercise of their original sovereignty." After further explaining to the Cherokees the views of the President, the Secretary continues: "But suppose, and it is suggested merely for the purpose of awakening your better judgment, that Georgia cannot and ought not to claim the exercise of such a power, what alternative is presented?" He then explicitly says that if any collision should arise, even on this admission that Georgia was thus in the wrong, the claims set up by them under their treaties for protection, cannot even then be recognised; and as to the interference of the Executive under the laws of the Union or these treaties, he adds, "The President cannot and will not beguile you with such an expectation;" and finally tells them, "No remedy can be perceived, except that which frequently heretofore has been submitted for your consideration—a removal beyond the Mississippi, where alone can be assured to you protection and peace. It must be obvious to you, and the President has instructed me again to bring it to your candid and serious consideration, that to continue where you are, within the territorial limits of an independent State, can promise you nothing but interruption and disquietude." About the same time, I find that in a talk delivered by the President to the Creek nation, through their agent, he told them that where they now reside, their "white brothers" always claimed the land, and these lands in Alabama happen to be the lands of the United States. He further informed them that his "white children" in Alabama had extended their laws over their country, and that, if they remained there, they must submit to these laws. I believe, sir, that this bill owes its origin, at this time, to this state of things, and that its chief policy is to co-operate with these States in the acquisition of the benefits which they expect to attain to themselves by the removal of the Indians.

By the course adopted by the Executive, and the principles on which he has thus assumed to act on his own responsibility, without consulting Congress, these Indian nations have been substantially placed without the protec-

tion of the United States. The treaties of this Government, made with them from its first organization and under every administration, to which they have solemnly appealed for their security against these fatal encroachments on their rights, have been treated as subordinate to the laws of these States, and are thus virtually abrogated by the Executive Department. The President has assumed the power to dispose of the whole question, and the message proposes to us little more than to register this executive decree. This has seriously embarrassed the whole subject. It is to be feared that insuperable obstacles have been thus interposed to the fair and unbiassed action of the House, and the full and free expression of its opinion. We are called upon and constrained to act under a moral coercion, extremely unfavorable to an impartial examination of the questions before us. I well know the strength of the moral influence of any opinion of the Executive Department of this Government, and I feel the weight of it on this occasion. But I hope that this House feels too deeply its own responsibility to the country, to suffer this influence to be felt here against the solemn convictions of its judgment. But these questions must now be examined here. We must adopt the measure before us, and in that way sanction all that has been done, and all which shall follow, or reject it, and leave the responsibility to those who have assumed it. It is the more to be lamented that this decision of the Executive was made so hastily, since there was no necessity of acting definitively upon it before Congress would have convened. The laws of Georgia were not to have gone into operation immediately. If the first determination which seems to have been taken had not been unfortunately abandoned, and the States concerned had been frankly advised that this subject was to be referred to Congress, we should have been left free to devise some prudent and just course, by negotiation or legislation, which might have quieted all parties, and preserved the public faith unblemished. It is unfortunately now too late to expect that any such course could be proposed with the slightest hope of success. There is no reason to believe that the Executive Department is desirous to retrace its steps, and it is decisively avowed that these States have unalterably determined to proceed to the extremity of a strict execution of these laws in the face of the guarantees of our treaties. We must meet the case then here as we find it. The message has invited us to examine it freely; and, if I am not greatly mistaken, the decision of this House upon the measure now before it will involve momentous consequences, for good or evil, to the reputation of the country. While we have been sitting in these seats, deliberating on this matter, or rather sleeping over it, the intercourse laws have become a dead letter in the statute book. While the Cherokee delegation have been at our door, anxiously waiting to know the fate of their nation, bands of profligate men have intruded themselves upon their people, and seated themselves down upon their lands. I know that this is not done under the authority of Georgia, or by the countenance of the authorities of that State, but our agent has informed us that these intruders have taken courage in their aggressions, from the laxity of opinion prevailing in regard to Indian rights. A state of violence, disreputable to the country, exists there. Blood has already been shed. One of the Cherokees has been slain in open day. The forces of the Government have very lately been sent there to preserve the public peace, and there are some thousands of lawless adventurers prowling through their country, digging for Cherokee gold, and quarrelling among themselves for the division of the spoil. I am not at all surprised that outrages of this sort have been renewed there. They were to have been expected, and are nothing more than the obvious consequences which must have certainly followed the least relaxation of the former policy of the Government. The protection which these unfortunate people

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have demanded of us, has failed to secure them against these evils.

By surrendering the question of sovereignty, the Executive has, for all substantial purposes, virtually surrendered the treaties too. The intercourse laws of the United States are nullified with them. For until this was done, the right of these States to extend their laws over the Cherokee nation and their country was not sustainable. It has become necessary, therefore, for those who justify what has been done, to go one step further, and deny the validity of the intercourse laws and the treaties too. That ground has accordingly been taken, and gravely attempted to be sustained. If it be well founded in any principles of our political system, there is indeed no redress for those who have trusted to us. We shall have ensnared them in our toils. We have allured them on to their destruction. These unsuspecting victims of their generous confidence in our faith must be left to bear the calamities which threaten them as they can, or perish under them. They have grievously complained of us, and the country has deeply felt the reproaches of our good faith, which these complaints could not have failed to inspire in an enlightened and christian community. The obligations of our treaties have never been so understood or acted upon before. The events which have followed have shocked the public feeling, and agitated the country. It requires no skill in political science to interpret these treaties. The plainest man can read your solemn guaranties to these nations, and understand them for himself. I can tell the gentleman from Tennessee, [Mr. BELL] that he is greatly mistaken in supposing that the excitement which prevails is nothing more than a puling sensibility, or that it is to be attributed to religious fanatics or aspiring politicians. The memorials on your tables will show you the names of the warmest friends of this administration. Able civilians and sound statesmen believe you to be in the wrong. Pious men of all denominations have been afflicted by what has passed, and the consciences of the purest patriots in the country have been wounded.

In my humble opinion, sir, Georgia has had no reason to complain of us, or to accuse the General Government of a disinclination to promote her interests as far as it could have been done in the true spirit of our engagements to her, and without violating our good faith to the Cherokees. To say nothing now of her original title to the country west of her present limits, (for we assumed that to be in her by the compact of 1802,) we made her what was then considered and accepted as a fair compensation for its surrender. We have since burdened the treasury with a heavy charge from the proceeds of what we acquired, for the extinguishment of private claims under titles derived from her Legislature. The amount paid to these claimants and to Georgia was seven millions and a quarter of dollars. In the execution of this compact, I am informed that we have since extinguished the Indian title within her limits to more than twelve millions of acres, and at an enormous expense. I am ready now to vote any further amount that may be necessary to carry it into effect honorably, in the spirit in which it has always been executed. This is to be done by treaty. The very delay which has taken place in its complete execution, from the second year of Mr. Jefferson's administration to this time, (independently of its obvious meaning on the face of it,) conclusively shows the sense in which it has been understood and acted upon under all administrations. There can be no administration, nor any one here, who does not feel and acknowledge our obligation to execute it faithfully. But Mississippi and Alabama stand in a different relation to us. As we extinguish the Indian title to the lands in these States, they become the domain of the General Government. We have entered into no engagements with them to do this faster than the

general interest of the country requires it to be done, but we have in that respect pursued a liberal policy towards them. We have purchased in these States about forty millions of acres. There have been surveyed for sales, which have rapidly progressed, nearly nine millions in Mississippi, and more than twenty-two millions in Alabama, before 1827.

I have been inclined to think, sir, that, under all the circumstances, some of the new States were admitted into the Union before they had acquired a sufficient population and strength to support their State governments with advantage and convenience to themselves. I am not now disposed to complain of it. I have cheerfully voted for the admission of them all since I have had the honor of a seat in this House, and an enlightened policy required that we should have dealt generously with those by whose enterprise our immense forests had been reclaimed from the waste in which they lay, and who had carried with them, and are still extending to our remotest borders, our free institutions, our laws, and, I hope, our virtues too. There can be no more cheering sight to any patriotic man, and the friends of free government every where can have no surer confidence in the stability of our institutions, and the triumph of that consoling example which we hold out to mankind of the blessings of regulated liberty, than to view the success of that policy which has planted around us that flourishing circle of free States. But their early admission into the Union imposed upon them the burden of supporting independent governments when they were not yet well able to bear taxation, and while their resources were too much exhausted in payments for the public domain. These circumstances have given rise to pressing claims upon us. But it was our fault, if there was any, as well as theirs, and has imposed upon us the duty of pursuing a liberal policy towards them, which I think we have been disposed to fulfil honorably. The great extent of public lands within their limits has been made a source of uneasiness in some quarters. While we have been dealing generously with them here, insidious attempts have been made to mislead their feelings, and entice them into false views of their rights, and lax notions of political morality. Restless men and artful demagogues have laid hold of this matter to serve their private ends, by teaching them to condemn their own good faith, and to look upon the General Government as a hard master.

[Mr. LEWIS, of Alabama, requested Mr. STORRS to yield the floor, that he might say a word in regard to that State. Mr. S. gave way, and Mr. LEWIS said that if the gentleman from New York included the State of Alabama in his remarks, he would inform the House, that though a report was once made in her Legislature, to which Mr. S. may have referred, yet it was promptly rejected in both branches by very large majorities.

Mr. STORRS said that he had no reference to the State of Alabama. He was not aware that such a report had ever been made in her Legislature, and was glad to find that it was disposed of there in a manner so honorable to the character of the State. Mr. S. said that he owed an apology to the committee for introducing this topic at all, on the present occasion. He had seen doctrines started in some quarters on that point, which were calculated to do mischief; but he believed that they might safely be left to the reprobation which they would be sure to meet with from the good sense and integrity of the people of those States to whom they had been addressed.]

Mr. S. resumed. In the message of the Executive, informing us what had been done, he has given us his reasons, too, for the course which has been taken on his part. We are thus enabled to examine the principles on which that department has acted, and to determine more satisfactorily how far they sanction the doctrines which have been there assumed. While the President has very justly said that it would be as cruel as unjust to compel the In-

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dian nations to abandon their country, and seek a new home in a distant land, he has explicitly stated, too; that "they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws"—and that, "in return for their obedience as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But," he adds, "it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase." These are the doctrines of the Executive, in the words of the message. They are little short of a copy of their original, and I might almost as well have read them from the report and resolutions of Georgia. These are doctrines, too, which the United States set up in the face of the treaty of Holston! The guaranty of that treaty, sir, was to the Cherokee nation, and to the lands of the nation, and not to individuals. Now, what, on the other hand, is the palpable operation, indeed, I may say, the express enactments of the laws of Georgia, but to annihilate completely the political capacity, and abolish the Government of the Cherokees, and reduce them all to individuals? There is to be no longer any nation there. In the language of the message, they are to receive protection hereafter "like other citizens"—of Georgia, I presume—and not from the United States. The other party to our treaty no longer exists. The bill before you follows out these principles, and authorizes the President to purchase the improvements on the lands of the Cherokee nation from the individuals who happen to cultivate them for the time being, under their own regulations among themselves, and expressly prohibits any Cherokee from re-occupying them afterwards. These lands then pass to Georgia under our compact. The Executive has expressly yielded to Georgia the power to accomplish this object, by the extinction of the national capacity of the Cherokees under her laws. It is an idle waste of words to enter upon any formal reasoning to show that he has thus assumed the power to abrogate the treaty itself. If he has the power under the constitution to do what he has done, it is a mere mockery, and an insult to the Cherokees and to common sense, to talk about the treaty of Holston as a thing which has any existence. I do not know whom he may have consulted or who has recommended to him the course which he has seen fit to adopt with this treaty; but I trust, at least, that this illustration of our notions of public faith has received no countenance from that member of his cabinet whom we have been accustomed to consider as standing in the nearest relation to his person, and whose duties have made him the confidential adviser of the President in negotiations with other powers.

At the threshold of this inquiry, we shall find ourselves met with a very grave question, intimately connected with the treaty-making power, which I hope those who intend to sustain what has been done, will be able to answer to the satisfaction of the House. I am the more anxious to know their views of it, as we have heard some specious appeals to the friends of State rights, to come forward on this occasion, and sustain their principles. The alarm has been sounded, and they have rushed to the standard with an alacrity which leaves us no reason to doubt that they have really believed their favorite doctrines to be in jeopardy. I fear that these appeals have had some influence upon the question before us. Their principles, or at least what others have assumed for them to be so, have been pressed into service with a zeal indicative of such confidence, that consistency required them to come forward, and give their support to the course which has been taken by the Executive with these treaties.

If there was any point on which, more than any other, the opposition to the adoption of the constitution original-

ly turned, and the influence of which has been felt by one of the great parties which divided the country, it was the apprehension that the new Government was either too monarchical in principle, or would turn out to be so in practice. This alarm, too, was chiefly founded on the opinion that the constitution had provided no adequate security to the States, by imposing definite and effectual limitations on the executive power and executive discretion. It has been a fruitful source of crimination, whether just or unjust, upon one of the parties, and especially upon General Hamilton and his friends, that the tendency of their principles, and the measures which they had advised, was to invest the President with powers, which must prove fatal to the wholesome influence of the House of Representatives, and destroy the control of the States in the Senate. Under these banners battles have been fought and won—and laurels have either been or thought to have been gathered. They have certainly been claimed as the rewards of victory, and are even yet worn here as the hereditary honors of the field.

The question before us does not involve the right of the President, in the recess of Congress, to decide, in the first instance, for the regulation of his conduct until they can be convened, the mere construction of the terms of a treaty—not to determine the effect of an infraction of any of its engagements by the other party. There is nothing ambiguous or of doubtful interpretation on the face of the Cherokee and Creek treaties, and no pretence has been set up that they have been disregarded by the Executive, because these nations have not observed them on their part, and kept their faith with us honestly. They were well understood originally on all sides, and are framed in language that cannot be perverted. There can be no quibbling as to the real intention of both parties. The terms are not susceptible of different significations, and the expressions used are definite, and suitable to the subject-matter of them. It is enough, however, that the Executive has not assumed to act on this ground, and the complaints of bad faith are, unfortunately, all on the other side. Nor are we examining whether the *casus fœderis* has occurred under any treaty with a third party, by which any engagements on our part, not operative before, have come into force. He claims the broad power that it is for the Executive to determine the abrogation of our stipulations, because Georgia has enacted certain laws for more effectually exercising the jurisdiction which she claims over the Cherokee nation and their lands. He maintains the right, in that department of the Government, to treat the obligations by which the United States are bound on the face of the treaties, as annulled from that time—that they shall be reduced to mean nothing any longer—in a word, that from that time they have no existence as treaties with the Cherokee or Creek nations. This is the doctrine which must be sustained, and it is this stretch of executive power which must be vindicated by those who support the measures of the President. The doctrine will reach our treaties with other powers, too, as well as those now before us; for we are examining the right of the Executive Department to determine such a question at all, in any case, and not whether he has decided it correctly in this. But, sir, the power asserted will be found to be much higher than the Executive claims it to be. The assumption on which it ostensibly rests in the message, is, that, by the happening of the contingency that Georgia has "extended" her laws over the Cherokees, the treaty has now come into collision with the jurisdiction of the State, and must therefore be yielded. But the principle which lurks under this disguise, really goes to the total annihilation of the treaties from the beginning, and assumes that they were never binding on the United States at all. If they ever were so, no act of one of the States could discharge our obligations. The jurisdiction of Georgia must have been as perfect when these treaties were

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first made, as it was in 1827, and the general laws of the State must have always been applied to the Cherokee country. If the treaties are invalid now, they were always so. The right of Georgia to the improvements of the Cherokees, too, is as perfect as it is to their vacant lands—there is no hiding place half way. There is no middle ground on which the Executive can stand. I doubt if there was ever meant to be any, for less than the whole would not reach the object to be attained. The principle set up cannot be arrested at any point short of the total prostration of the treaties, and the unqualified power in the Executive to mould and fashion them, and to annihilate these, or any other treaties, at his own will and pleasure. He asks no advice from any other department, and consults no co-ordinate branch of the Government. He acknowledges no obligation to submit such a question to Congress, or even to the Senate. His march is onward to the direct accomplishment of the executive will, as if the whole action of the Government on this subject was the exclusive attribute of executive power. It is this, sir, which has led to all our embarrassments, and brought about the present disorderly condition of the Government in this matter. It is to support measures and doctrines like these, that appeals have been made, on this occasion, to the friends of State rights. I think that, if they examine their principles carefully, we have reason to believe that they will be found on the other side of the question.

It is well known that the disposition of the treaty-making power was one of the most difficult points to be settled in the convention of 1787. In Europe, it was in the hands of the sovereign, and was liable to the greatest abuse. It had been used there for personal objects, and perverted to the most mischievous designs of ambition. The whole policy of many of the European Governments had been seriously involved in the exercise of this power, and it had led to measures the most fatal to their prosperity and peace. Indeed, sir, many of the calamities which they suffered for a century, may be traced to the abuse of this power in the hands of the Crown. It was in the view of this evil, that under our constitution it was considered unsafe to trust it to the Executive. In Europe it was prerogative, but here it was to be limited by the constitution, and subjected to the control of the States in the Senate, where their sovereignty was equal. It was a political power which so seriously affected the general policy of the country, in its relations with other nations, as well as in its operation on the prosperity of the States at home, that it was even considered unsafe to entrust it to a majority of the States, and the concurrence of two-thirds of the Senators was therefore required. For this purpose the Senate is the council of the States, and the treaties are the acts of the States. The Executive is little more, in that respect, than the agent or organ of the States, in matters of negotiation. He may refuse to act at all, and shut the door of negotiation, or decline to submit his preliminary arrangements to the Senate. This was deemed to be quite as much power as could be safely trusted to his discretion. His will or his opinion, however, was nothing without their sanction. The treaties, therefore, express the will of the States, and not the capricious inclinations or the pleasure of the Executive Department. They would have been the supreme law of the land under the law of nations, without any express provision in the constitution, but that sanction has been superadded, that there should be no question of their supremacy. As they constitute the public law of the country, the treaty-making power was withheld from the Executive, because, under our constitution, this was to be a government of law, and not of prerogative, and especially not of executive prerogative; for if his will was to have the force of law, that was, to a certain degree, despotism. When the Executive and the States have entered into a treaty, the constitution has attached its sanction to it, and given it all its efficacy.

Its validity rests upon that, and its force and operation is sustained by that. When once fixed, and adopted as the law of the land, the Executive has no dispensing power. His own duty is plainly prescribed in the constitution. The control of the States over his will has been constitutionally interposed to very little purpose, if treaties are to take effect or not, or be suspended in their operations afterwards, at his pleasure, without any violation of them by the other party. They are clothed with a sanctity which entitles them to higher respect than our mere municipal regulations. There are two parties to them, and the public faith secures their inviolability. And yet it has been gravely asserted, and attempted to be maintained, that after the States have entered into treaties, the Executive may revise their solemn acts; that he may judge over the States and above the States; that he may entertain an appeal from them to himself or his cabinet; that he may virtually abrogate their treaties by an order in council, and give the force of law to an executive proclamation. The treaties and the law of nations constitute the public law of the Union. They deeply concern private right as well as the political relations of the country. If a question should arise between one of your citizens and the Government, or a foreign power, would the judiciary regard an interposition of the executive power, which professed to exercise the right of impugning the integrity of your treaties? The power, sir, to adjust and settle the conventional law of all countries, must exist somewhere in all Governments. It is vested here in the States themselves, and, when they have established it, the political rights of others become irrevocable. You are denied the power of unsettling it, or revoking your obligations at your own pleasure. Above all things, we have never trusted the Executive with that dangerous prerogative. The Senate was vested with the power to determine the conventional law of the Union, because they are the peculiar guardians and conservators, as well as the representatives of the States, in the exercise of that function of their sovereignty. In such matters as, in the exercise of this high political attribute, might affect her citizens or their own jurisdictions, it could be safely trusted nowhere else. The individual States were denied this power, because that might defeat the conventional law of the whole. There is nothing new, or suggested now for the first time, in that operation of treaties which to some extent affects and controls their domestic jurisdiction, and impairs, in some degree, what gentlemen have so tenaciously held to as the reserved rights of the States. Every treaty of limits must have that operation. The treaty of 1783 abrogated all the State laws which impeded the recovery of British debts, and prohibited the States from passing any in future. Yet the old Congress had no jurisdiction over that matter, except as the result of the treaty-making power. In the letter of Mr. Jefferson to Mr. Hammond, of the 29th of May, 1792, he says that it was always perfectly understood that the treaties controlled the laws of the States—the confederation having made them obligatory on the whole; that Congress had so declared, and demonstrated them; that the Legislatures and Executives of most of the States had admitted it; and that the judiciaries, both of the separate and general Governments, had so decided. He stated further, that the formal repeal of the laws of the States was all supererogation, and showed that Georgia herself had so considered it, and her courts had so adjudged. It is everywhere considered that these laws of the States were annulled by the treaty. It would be quite easy to refer to numerous instances of the same sort, in various treaties since the adoption of the present constitution. As it was foreseen that such must of necessity be their effect by the law of nations, that feature of the old confederation, which retains this power in the hands of the States by the federative representation of these sovereignties in the Senate, is continued under the present constitution. It was confided to, or rather reserv-

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ed to, the States there, as a political confederation of sovereignties, that they might determine for themselves how far and to what objects the conventional law of the Union should be extended. It is not, in any sense, the dismemberment of the sovereignty of the States; that suggestion is a mere abuse of words. It may as well be said that the sovereignty of a particular State is dismembered by the constitutional operation of the laws of Congress for regulating the commerce of the country. The thing of which gentlemen speak is the totality of sovereignty, which exists nowhere under our institutions. I consider that the States have, in the strictest sense, retained to themselves, in the Senate, their own control of their reserved rights in the exercise of the treaty-making power. It is safely placed there under their own conservation, and they are bound in good faith to the Union to respect the treaties which are there entered into. They are represented and act there as in their original capacity. They could not act with convenience or usefulness in any other way. Their rights are safe in their own council. What is constitutionally settled becomes their public law, and they are bound to observe it. It is not perhaps strictly a legislative power, though Mr. Madison has treated it, in a publication to which I shall presently refer, as partaking much of that character. The constitution declares that "all legislative powers" therein granted shall be vested in Congress. It is not, however, essential to the views which I take of the question, to consider that point.

The course of the Executive Department has overturned these constitutional securities of the States, and swept away their power. His doctrines fall nothing short of an assumption of the power of Congress to abrogate the public treaties in a case of high and uncontrollable necessity, or by exercising the power of declaring war. If the friends of State rights propose to sanction the violation of these Indian treaties, they must bear him out to the full extent of this thoughtless usurpation. This question is not altogether new, though no stretch of executive prerogative like this has ever before occurred or been claimed under any administration. I presume that gentlemen are familiar with the history of the proclamation of neutrality, issued by General Washington in 1793. This declaration by the President of the disposition of the Government to remain at peace, and warning our citizens to abstain from any acts that might involve them or the Government in the war, was looked upon with jealousy. It was a topic of much remark, and was closely scrutinized. Yet it violated no treaty. It assumed to suspend none of our obligations, and settled no question arising upon them. General Washington neither claimed or exercised such a power. The proclamation was precisely what it professed to be, and no more. The administration assumed a posture of neutrality, and the proclamation declared the intention of the President not to change the relations of the Government, until Congress should convene and settle that question. In the mean time, our citizens were forewarned, that, if they mingled with the parties to the war, and took part with either side, the Government would not extend its power for their protection. It was unanimously sanctioned in the cabinet. Mr. Jefferson approved it, and has informed us that he "admitted that the President, having received the nation, at the close of Congress, in a state of peace, was bound to preserve them in that state till Congress should meet again, and might proclaim any thing which went no further." Whether the proclamation was to be treated as implying a pledge of future neutrality, was another matter, and a speculative question. But General Washington and his administration were uncommitted to any such construction of it. It was an abstract question, and the President, at the opening of the next session of Congress, laid the whole subject before them for their constitutional action upon it. General Hamilton fully declared that no opinion of the President, on the point of neutrality, or the French gua-

ranty, could in the least affect the question; and the message simply announced the issuing of the proclamation and its real object. Mr. Madison has furnished us with his opinions on the nature of the treaty-making power, in the letters of Helvidius. The friends of State rights may clearly see in that commentary, in what direction the Government is advancing, if the measures of the Executive, since the adjournment of the last Congress, are sanctioned by this House. The power he has exercised involves the assumption of the most transcendental sovereignty of the States, and prostrates every other department of the Government. The Executive may in other ways bring you into collision with foreign nations, on his responsibility to those who may constitutionally call him to answer; but, in the case before us, I consider that he has acted by open usurpation. It should be quite enough that he may, in the exercise of his confessed powers, force you into war against your own will, without yielding to him the power to enthrone himself above the constitution. If on any question which involves the construction of a treaty—much more its validity—he may assume the powers of the Senate, the Judiciary, and Congress, there is no longer any power in the Government which can be said to have been limited by the constitution at all. It is a bold step indeed of executive prerogative; and I have been surprised to find that gentlemen in this House have sat down so quietly under it. I was anxious, in the early part of the session, to know how it might be received by the Senate, but my doubts were entirely removed when this bill appeared at your door. They have capitulated. They are completely disarmed, and have been marched out of their entrenchments without the honors of war. The duty of the Executive in this matter was exceedingly plain. If he doubted as to the validity or operation of these treaties, the examples of his predecessors were before him. He should have at least paused before he moved so rashly—have kept all things in the condition in which they stood, and submitted the whole case to Congress. The first suggestion made to the Cherokee delegation was right, and it is to be lamented that it was ever revoked or withdrawn. What is to be our security for our European treaties? If the Executive doubts as to the construction or validity of those, too, shall he cut the knot for himself, and dissolve their obligations? Our commercial treaties have no greater sanctity than any others. Is your foreign trade and intercourse with other nations to be at his mercy, too? I am not aware that the laws of Congress have any greater sanctions than your treaties. You have many treaties with other nations for the advantage of your citizens. Shall the Executive so deal with these, too, as to prostrate your navigation, or subject it to retaliation? He may annul the stipulations of treaties made to favor your own trade; for if he can overleap the law of nations and the constitution, by revoking those which favor others, you have no better security than his will for yourselves. He can release them from their stipulations in your favor, as well as those which operate against them. If he should think that all his predecessors and former Senates have been wrong headed on other points, and that they have been too liberal to particular interests, or have favored commerce, or navigation, or manufactures too much, it is only for the Executive to put forth his prerogative, and your constitutional securities are in his hand.

I am ready to admit that a case of high and uncontrollable necessity may occur, so deeply involving the fate of the country, or so seriously affecting its safety, that the President, submitting himself to a high responsibility, may feel it to be his duty to decline the execution of a treaty until Congress can be convened. But his duty in such a case is very clear. He may suspend acting upon it altogether, but he has no power to determine such a question finally for himself. He must submit it to Congress. If a treaty is to be declared void, it is for Congress only to an-

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nul it. The President and Senate cannot do it unless by negotiation. But, sir, these are extreme cases, and that before us is not one of them. The President has not acted, or professed to act, with any such views. He has given to the other party his own final determination of the question, and has acted upon it throughout. He declined to suspend the matter at all till the case could be sent here, and directed the Secretary of the War Department to inform the Cherokee delegation that the course of the Government was changed, and to communicate to them his final decision. He asks us now for no opinion upon it; but, considering it settled, we are called upon to appropriate some millions to relieve the other party from the condition to which his decision has reduced them. I know that there is apathy here under these assumptions of the Executive, but we are bound to resist these encroachments on the powers of Congress at the beginning. This is not a distant alarm—the invader is within this hall—his manifesto is on your table, and at the next step we, too, shall have surrendered at discretion. I have often thought that, after all, those who usurp authority were not so much to blame as we commonly consider them to be, when we find others so ready to yield up the powers of Government into their hands. Rome preserved her liberties until her public councils prepared the way for one family to establish itself on their ruins; and the Tudors and Stuarts did not rule in England by proclamation, until servile Parliaments looked upon the advances of prerogative at least with indifference. If these encroachments of the Executive Department are not met and repelled in these halls, they will be resisted nowhere. The only power which stands between the Executive and the States, is Congress. The States may destroy the Union themselves by open force, but the concentration of power in the hands of the Executive leads to despotism, which is worse. Of the two evils, I should prefer the nullifying power in the States—it is less dangerous, and admits of surer remedy. A single State may occasionally sit quietly under the measures of Government, but the good sense of the people will set all things right in the end. But the Executive Department never yields up power. The whole Union will, sooner or later, feel the shock, if this control of our treaties shall be surrendered—the mischief will reach everywhere, and is irreparable. The judiciary may partially protect individual right, but there are two parties to the treaties, and one of them will not always be under your control. We have already reached a point in legislation at this session, where we should pause, and seriously consider in what path we are advancing. There are several bills now on your table, formally prepared in the committee rooms of this House, and reported here, which confer powers of an extraordinary character on the Executive. When you shall have passed the bill now under consideration, which places your territory west of the Mississippi at his sole disposal, the two bills relating to the army and navy, the reciprocity act reported a few days ago by one of my colleagues, and yielded up the power claimed over your treaties, this Government will scarcely be a masked monarchy. The constitution will have become blank paper, and the first dictator may come to your table and write his decrees upon it at his pleasure. It may not become me to address an admonition to this House, and it would profit nothing from me, or any man, if history has already done it so often in vain. But it is at least time for us, as prudent men, to open that book, at almost any page, and read the fate of all republics that have gone before us and perished; or, if we are not admonished by the past, to look around us, and see what is passing in the world in our own day. What is now the condition of South America, in whose emancipation we felt so deep an interest, and where we hoped to find the cause of free Government strengthened against the alliances of its enemies? Disunion has blasted our hopes. Slavish Congresses have there be-

trayed their country, and the power of that whole continent is swayed by bands of reckless despots. Yet while their liberties have been crushed, we find in Europe, that, in spite of the power of kingly alliances, the Parliament of one Government at least, and that, too, once the most despotic of them all, is successfully limiting the power and influence of the Crown. Shall we, then, strengthen the hands of the Executive here as one of the securities of the rights of the States? I know very well the answer which gentlemen are ready to offer on this occasion. We are to be told that his decision has been in favor of the States. It is this which leads us to look upon his measures with complacency, and this is the soothing opiate by which he has quieted our fears. I should like to hear the answer to another question: What will be the decision of the Executive in the next case? Will that be in favor of the States, or against them? I will tell you, sir. They will not be suffered to ask that question. When they have conceded the power to settle such a matter for himself, the Executive will take care to exercise his new prerogative without consulting them. We may see on this occasion, in the clearest light, the tendency of executive power in those collisions which occasionally spring up in every Federal Government between the members of it and the head. This department is constantly on the watch, and seldom fails to secure to itself the arbitrament of every such matter. This third party is ever lying in wait for power. Under some plausible disguise it attracts the confidence of the parties, and not unfrequently, by appeals to the pride as well as the interests of the States, it secures itself in its usurpations, and leads them willingly to rivet their own chains. If the Executive had decided that all our former treaties with the Cherokees and Creeks had been void as to the cessions of land which some of the States have received under them, should we not have witnessed a very different feeling here? Should we not have heard something—and that, too, quite earnestly—of plighted faith, of solemn treaties, and the constitutional securities of the States? By what process of infatuation, or by what operation of self-love or State pride, have we brought ourselves to yield to the Executive the power to pronounce these treaties to be worthless to the other parties? There can be no tyranny worse than that which refuses to be governed by its own rules.

I find that we have entered into more than two hundred treaties with the Indian nations since the declaration of independence. Fifteen are with the Cherokees alone, and all but one of these have been made since the adoption of the present constitution. They have been made under every administration from the time of General Washington. Commissioners for treating have been nominated to the Senate, and regularly commissioned for this purpose. Every Senate, since 1789, has ratified them, and they are proclaimed by the Executive like all other treaties. The statesmen whose names have sanctioned them, are, Washington, Adams, Jefferson, Madison, and Monroe. I see among them, too, the name of the present Chief Magistrate. It is in the face of such a case as this, that we have heard the validity of Indian treaties denied, and the history of this Government, for half a century, treated as a deliberate system of jugglery and imposture. If there is any foundation for the doctrines which have been put forth to justify ourselves in disregarding these treaties, we are bound to make out a case so clear that no plausible doubt can be started against us. Our path must be free, open, and unobstructed, and we must not only see that we can go there, but that we can do it with safety and honor. If there can be any doubt, it becomes us, if we regard our faith, to ask ourselves, as honest men, which party is entitled to the benefit of it in morality?—the ignorant or the enlightened?—the weak or the strong?—the defenceless or the powerful? We should take care that on such a question it shall not be said of us that we have thrown our sword into the scale. The Cherokee treaties, and our

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guaranties to them, have been made for compensations granted to us on the face of them. Now, what says natural justice in such a case? You have taken these compensations, and are in the enjoyment of them to this day. Can you restore to the other party what you have taken from him, and what you tempted him to yield to you? Can you give back the rights which he has surrendered? Can you place him in the situation from which you have enticed him? Is this now in your power, if you were even disposed to do it? These are questions, sir, which will be asked, and they ought to be asked. It is better for us to ask them now; for they must be answered, too—and answered honorably, for you or your country is disgraced before the world. You are handling no light or trifling matter. You are pressed on every side by circumstances which should constrain prudent men to look well to their steps. While these treaties are lying open before you, and you are compelled to look such an array of names as these in the face, he must be a bold man, and one having a very good opinion of himself, who can step forward and efface the most honorable portion of your history, and hold up the illustrious men who founded this Government as ignorant of the first principles of the constitution. I have too much confidence in the honor and justice of this House, to believe that we are prepared so soon to blemish the reputation of those names which we have been taught to venerate from our childhood.

I have carefully examined the report of the Committee on Indian Affairs, to find on what ground this bill is to be supported; and, great as my personal respect is for the gentlemen who are on that committee, I am constrained to say that I have found in that paper subtle principles thrown out, but not established—ingenious doctrines started, but not proved, and refined theories projected, which I think the history of the country will not sustain. The positions relied on to support the argument of the committee against the right of the Indian nations to soil or sovereignty, are, that “possession, actual or constructive, of the entire habitable portion of this continent, was taken by the nations of Europe, divided out and held originally by the right of discovery as between themselves, and by the right of discovery and conquest as against the aboriginal inhabitants;” that “although the practice of the Crown of England was not marked with an equal disregard” (as that of Spain) “of the rights of personal liberty in the Indians, yet their pretensions to be the owners of any portion of the soil were wholly disregarded;” that “in all the acts, first of the colonies and afterwards by the States, the fundamental principle, that the Indians had no rights, by virtue of their ancient possession, either of soil or sovereignty, has never been abandoned either expressly or by implication,” and that the recognition of these principles may be seen in the history of the Federal Government.

Before I proceed to a more particular examination of these positions, which have been advanced with so much confidence, I feel it to be a duty to the State which I have the honor in part to represent here, to say something of her policy towards the Indians within her limits. I have been somewhat surprised to hear on several occasions during this session, that New York had some interest in this question, and that her policy since the revolution would be found to sanction the principles which have been advanced in relation to the Cherokees. I feel bound not to let this opportunity pass, without setting that matter right. I deny, sir, that there is any just ground for these assertions, and more especially I deny that she has maintained any doctrines which go to impeach the sanctity or impair the obligations of any treaties made by the General Government with the Indian nations in that State. By the treaties of Fort Schuyler, of September 12th, 1788, September 22d, 1788, and of Albany, of February 25th, 1789, the Onondagas, Oneidas, and Cayugas expressly ceded

and granted all their lands to that State, and the occupation of certain portions of the lands thus ceded, was allowed them by the State in the same treaties. The Stockbridge and Brothertown Indians came into that State from some of the New England States. None of these tribes therefore hold any lands there under their native or original title. Whether they are to be treated as aliens or not, or whatever their relation to the State may be, they are subject, like all aliens as well as citizens, to the criminal jurisdiction of the State. But as these tribes as well as others have been placed under her protection, she has recognised her obligation to secure them against the frauds and encroachments of white men. She was bound in the treaties I have referred to, to do this as to their lands, and she has ever respected them honorably. Accordingly, it has been made unlawful for her citizens or any other than Indians to settle among them, or to purchase their lands, or to prosecute against them any action upon any contract in her courts. Surely New York may regulate the conduct of her own citizens in these matters as she pleases. But she has not stopped there. Agents and attorneys for them have been appointed, and paid too by the State, to advise them in controversies among themselves or with others, to defend them in all actions brought against them, and to prosecute for them. Yet I find these laws, passed for their protection, among those gravely reported from the Committee on Indian Affairs under a resolution of this House, and laid upon our tables, to show, I presume, that New York claims the same power over the Indian tribes and their lands, that Georgia, Alabama, and Mississippi have done over the Indians within their limits. Why, sir, if these laws are carefully examined, they would show nothing to that effect, if these Indians still held their lands and sovereignty under their native claim and right. So careful has New York been on the point of Indian title, that, although the Mohawks were driven into Canada at the close of the revolution, and their country wrested from them by actual conquest, we find that as late as the 29th of March, 1797, she purchased their title at a treaty held at Albany under the authority of the Federal Government. It purports to have been made with “the Mohawk nation of Indians residing in the province of Upper Canada, within the dominions of the King of Great Britain,” in the presence of Isaac Smith, a commissioner appointed by the United States. By another treaty, held at New York on the 31st of May, 1796, the State purchased of “the Seven Nations of Indians of Canada,” all their claims to lands within her limits, reserving a small tract at St. Regis.

The Seneca nation still claim to hold their lands under their original title. But New York has no interest in them. The pre-emptive right was conveyed to Massachusetts many years ago, and is now held by individuals under purchases from that State. I have noticed in the Executive Journal, that, on the 24th of February, 1827, a conveyance by treaty from the Seneca nation for part of their lands to some of these individuals, made in the presence of a commissioner of the United States, was laid before the Senate by Mr. Adams. On the 29th of February, 1828, a resolution to ratify it was negatived, the Senate being equally divided on the question. On the 26th of March, the following resolution was submitted by one of the Senators from Georgia, [Mr. BARNES.]

“Resolved, That by the refusal of the Senate to ratify the treaty with the Seneca Indians, it is not intended to express any disapprobation of the terms of the contract entered into by the individuals who were parties to that contract, but merely to disclaim any power over the subject-matter.”

This resolution was modified on the 4th of April, by omitting the latter words, and inserting so as to read, “to disclaim the necessity of an interference by the Senate with the subject-matter,” and passed in that form. These pro-

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ceedings struck me as somewhat novel, and I find that the Senate departed in this instance from its former practice on the same subject under Mr. Jefferson's administration. The treaties between the Senecas and Oliver Phelps, as well as the Holland Land Company, for perfecting the same preemptive right, were laid before the Senate by Mr. Jefferson, and formally ratified like other treaties. There was but one dissenting vote, [Mr. WAIGAT, of Maryland.] Neither Mr. Jefferson nor the Senate appear to have then thought that this was an interference in any matter beyond their power. How soon afterwards it has been discovered to be so, I cannot say. It may, perhaps, be inferred that this treaty was considered more in the nature of a private contract, than a political treaty in the sense of the constitution; and the conclusion to which the Senate came may admit of that explanation. But I think that the proceedings followed too close upon the Georgia resolutions, to authorize us to consider it as a grave precedent in its bearing on the question of State sovereignty.

The committee have referred us to an expression found in an opinion delivered in the supreme court of New York, by the Chief Justice, in which they came to the conclusion that the Indians were to be considered as citizens of the State, and capable of taking by descent. They have copied into their report an extract of half a dozen words, in which the Chief Justice said that he "knew of no half-way doctrine on this subject." It would be quite enough for New York to say, in answer to this case, that this opinion was afterwards reversed in the court of errors with great unanimity, and this very point was then fully examined by the chancellor. But it would have been more fair to have furnished us here with a somewhat larger extract from the opinion of the Chief Justice. The context would have shown us more clearly the views which led the court to the conclusion to which they came. He says that the court "do not mean to say that the condition of the Indian tribes, at former and remote periods, has been that of subjects or citizens of the State. Their condition has been gradually changing, until they have lost every attribute of sovereignty, and become entirely dependent upon, and subject to, our Government. I know of no half-way doctrine on this subject." Now, sir, I think that the fair import of this is rather against the position taken by the committee. We all admit that there is no half-way doctrine on this point. Every candid man will admit, too, that a tribe of Indians within any of the States may so far dwindle away, or abandon their right to self-government, and so far dissolve their original institutions, that they may be considered, on the soundest principles, to have become merged in our society, and extinct for all political purposes as separate communities. It would be very easy to refer you to cases of that sort in New England. The Chief Justice said that the time had come when the court, on those principles only, might so consider the Indians in New York. It was not a question involving strict principles of municipal law merely. The court considered that such was, in fact, their condition. But the case is reversed, and the law of the State is settled to this day as the court of errors left it. The Chief Justice, however, nowhere denied the original native right of the Indians to sovereignty. That was expressly disclaimed. He asserted no rights of conquest over them or their lands. He said nothing of disregarding Indian pretensions to their lands; or that any of the colonies or States had ever maintained that they had no rights of sovereignty or soil. There is nothing of this, or any thing that countenances it, in the opinion of the court. Such doctrines as these would have startled the moral sense of the State, and contradicted her whole history. And how far, sir, after all, could the committee have pressed this opinion into their service, if it had never been overruled? It referred only to the condition of the Indians in New York. It neither speaks nor treats of any others, nor does it profess to suggest any principles which reach the

case before us here. Upon these, it is silent. It is very obvious how the court were led to the conclusion to which they came. No one can read this opinion, and fail to see that they relied chiefly on the effect of the act of April 12th, 1822. The history of this act is well known to every lawyer in that State. Soonongize, a Seneca Indian, had been indicted for killing an Indian woman within the Seneca lands. She had been put to death under the authority of the Seneca chiefs and sachems. He pleaded to the jurisdiction of the State tribunal, and the question came before the Supreme Court for their opinion, in 1821. It was fully discussed by the Attorney General and the counsel for Soonongize, (Mr. Oakley) and the learning, research, and ability displayed in that argument will be long remembered at the bar, and in the courts of New York. I recollect well the general impression at the bar at that time on the point. The court held the case under advisement until the next winter. They found no principles on which they could safely affirm, in a judicial opinion, the jurisdiction of the State court. They reported the case to the Governor, and recommended that the question should be submitted to the Legislature. The act of 1822 was passed. There was, however, no Indian land to acquire. No code of Indian crimes was enacted, nor were Indians disqualified to testify in any case. The object and spirit of it is very manifest in the recital which precedes it. It states that the Senecas had exercised the power of punishing, even capitally, individuals of their tribe; that the sole and exclusive cognizance of crimes belongs to the State; and that to protect the Indians, this jurisdiction ought to be asserted to that extent. Now, sir, what was the case before the Legislature? and on what motives did they act? They saw that death was inflicted upon the Senecas under their bloody code and summary Indian forms, with no regard to proof or any security for the fair investigation of truth. Crimes, too, were of the most fanciful character. Sorcery and witchcraft were among them. The system was, in itself, little less than murder. There was some form or mockery of inquiry before the chiefs, but nothing like trial. The foundation of what we call punishment, had no reference among them to the protection of their society, but was rather the infliction of personal retaliation or private revenge. I believe that the case of Soonongize partook somewhat of that character, but I do not recollect the circumstances well enough to say that I may not be mistaken on that point. The intention of the Legislature was to rescue them from this condition—to extend to them, if it could possibly be done, some security against the inhuman proceedings of this Indian code—to afford them a fair and impartial trial—a trial by testimony—the aid of counsel, and the security of a jury. It was felt that the State owed it to humanity—to the unfortunate people cast upon her protection—to her own character, and her responsibility to the opinion of mankind, to make that effort to arrest this course of violence and waste of human life. If the act can be sustained, it is undoubtedly desirable that it should be. But this is not the first occasion on which I have expressed my own opinion that it left the whole matter exactly where it found it. It has once been my professional duty to examine that question in its bearing upon another case. The sovereignty of the Senecas is yet unimpeached, if it should be found that they were not subject to the jurisdiction of the State when this act was passed. That question yet remains to be tried. However benevolent the intentions of the Legislature may have been, yet, if it should be found that the consent of the Seneca nation to the exercise of this power was necessary, the courts will pause before they assume jurisdiction under it. I am not aware that the act has ever been executed. It was shortly after its passage, and in the first case which brought up the question as to the condition of the Indians in another form, that the Supreme Court, relying on the inferences to be drawn from that law, decided that they were citizens, and subject, like all

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others, to the laws of the State. But, since the reversal of this case, the opinion of Chancellor Kent is considered to be the law of the State. How much aid, then, to the doctrines of the report of the Committee on Indian Affairs can be drawn from the course of judicial decisions in New York, even since the passage of the act of 1822, I leave to you to determine, and will dismiss this part of the subject with the remark, that, if by the public or conventional law of that State, or the Union, whether arising from treaties, or founded on any political principles of our system, the Seneca nation held their sovereignty in 1822, that act has not, and could not rightfully take it away.

I shall cheerfully concede that we are to look to the acts of the colonies, and especially of the States and the Federal Government, to determine the rights of soil and sovereignty claimed by the Indian nations; but I shall be compelled to detain you longer than I should have done, had the Committee on Indian Affairs claimed with less confidence, and given us better proof that the fundamental principle that the Indians had no right to either, had never been abandoned, either expressly or by implication. Whatever may have been the public law before the revolution, it would be quite sufficient to settle this question conclusively in favor of the Indian nations, by showing what the acts of the old Congress, the States, and the Federal Government have been, from the declaration of independence to the present time. But, as we find upon our tables a collection of colonial laws, some of which were passed nearly two centuries ago, I will trouble you with some reflections that have occurred to me on this mode of disposing of the difficulties thrown in the way of gentlemen by the history of later times. I cannot agree that we are to go back quite so far to ascertain the public or conventional law of the Federal Government, or to look beyond the revolution for the political law of the States. This collection of laws certainly contains some, chiefly of an early date, which may now appear to be somewhat whimsical; and there is no doubt that many could be found, which would show less regard to Indian rights, and perhaps to the common claims of humanity, than some of these. There may be much to disapprove, and much to lament, in our early history. I cannot say that I have found much instruction from the extracts laid before us of these early laws of the colonists, and I certainly feel no gratification that they have been rescued from oblivion, and placed among the documents of this House. I am sorry to see them here. It would not, however, be difficult to account for the origin of them, without attributing them to a spirit so unfavorable to the claims of the native inhabitants of this continent, as the Committee on Indian Affairs seem to have assumed. It would be rather remarkable if we could show that Indian rights were always held in high respect, or that Indian treaties were always strictly observed. We must make great allowances for the early colonists. They were settled here at a great distance from Europe. They were little regarded, and altogether unprotected, by the mother country. Their vicinity to these fierce and warlike nations often produced dangerous collisions with them. A state of exasperation sprung up, which led to merciless wars and bitter and implacable resentments. The French were on the other side of the Indians, and sometimes excited them even to the extirpation of the English colonists. If we consider what the state of society was, and how strongly the principle of self-preservation is implanted in the human heart, we should rather wonder that the Committee on Indian Affairs had not been able to find much more in our early history to sustain their positions. Was it to be expected that our fathers were to be more than men in the critical and afflicting situations in which we know, from history, they were often placed? Would you look for calm philosophy in men whose families were awakened from their pillows, at midnight, by the yell of the war-whoop?—when they fled naked, in the depth of

winter, to the nearest thicket, for refuge from the tomahawk?—when they looked back upon the conflagration which lighted up the pathless forest around them?—when they returned to the burning ruins, and saw the doorposts of their dwellings sprinkled with the blood of their children, and the remnant of their families swept into captivity?—or when they gathered from the scorching ashes the calcined relics of all they had held dear on earth? If we cannot justify that extremity of retaliation to which human nature, in such circumstances, could be tempted, let us be just enough to their memory to forbear to reproach the errors of their social affections. Why, sir, do we not go back, and bring up for our example, at this day, other laws of our own, or other countries, more gravely enacted, and quite as rigorously enforced? We might, perhaps, be able to justify the practice of making slaves of the Indians; or, if we should be inclined to go back still further, we could justify the putting of prisoners of war to death. It is not half a century since the African slave trade was generally condemned by the laws of christian Governments. I should be very sorry to believe that the Government was driven to justify the passage of this bill under any examples like these, or that we should be forced to confess that we and all the world have made no advance, for two centuries, in political science, or the morality of the code of public law by which enlightened nations are willing to be governed. I hope that, during that time, our society has gone forward and not backward. We boast much of our improvement in other things, and why should we not be willing to admit it in this? I protest, at least, against going back to the time when the fires of Smithfield were lighted up, and I cannot consent to take the expulsion of the French from Acadia as a fit model to illustrate our duties to the Cherokees. We had better come down to later times—after christianity had shed its pure light more clearly upon the world—after the colonial Governments had become better established—the code of public law better considered, and the duties of nations better understood and defined. It will be quite as well for us to see what our own Governments have done in the last fifty years, and ask ourselves if we can honorably repudiate this portion of our history. We may, perhaps, find ourselves so hemmed in on all sides, that this question is not to be debated at this day. If it should turn out to be so, it will profit us very little to know that, in a winter's search among the archives of one of our historical societies, we have been able to find a single treatise, written a century ago, to prove that the Indians never had any rights at all on this continent. I have looked into that work of the Rev. John Bulkley, from which the gentleman from Tennessee read us an extract; and it is very true that it makes out the whole case. The learned author zealously maintains that the Indians were in a state of nature; that they had no homes, and no Governments, and, consequently, no more right to the soil or sovereignty, than the animals which they followed in the chase. This is the substance of his argument; and he undoubtedly convinced himself of the truth of his hypothesis. But to prove that against our treaties, is to prove nothing, unless it be shown that we are in a state of nature, too; and that men in a state of nature are released from the moral law of nature. It would be much easier to get rid of our treaty obligations, by assuming, at once, that christian nations were not bound to keep their faith with infidels; and plentiful casuistry can be found for that, too. This matter is not to be disposed of in that way; nor will it be hereafter. It is too late for us to deny our claims to be considered a civilized people; that we are willing to acknowledge the public and social law of the human family, and to be bound by that code of universal morality which is confessed by every Government which feels it to be honorable to stand within the pale of christian nations. It is not a trifling

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thing for us to start any principles, at this day, on which we may claim to absolve ourselves from the obligation of that faith which we have pledged in all our Indian treaties. The question is too solemnly settled. If it was now an original question, and a mere speculative inquiry, we might treat it as a theme for the exercise of ingenuity with a better grace, and shelter ourselves from the imputations which may follow, under some more plausible apology. But we cannot approach our Indian treaties on any side, without finding them secured by sanctions which cannot safely be despised.

I fully admit, that, shortly after the discovery of America, the principle became established, by European nations, that they held their dominions here, as among themselves, by the right of discovery; and that this doctrine must be considered as settled at this day, let its origin have been what it may. We should hold a maxim of such long standing in the greatest respect. Some inconveniences may have followed from uncertainties in the history of the early discoverers, and the difficulty of its application to the claims of nations, as the population advanced into the interior. But, from the very nature of the subject, any rule would probably have led to some collisions. This may have been considered the best; and almost any rule was preferable to none. It was clearly better for England, and, probably, for France, too, to establish this rule, than to submit the question of title to the decision of the Pope, who claimed all undiscovered lands as his spiritual patrimony, and parcelled out his unknown dominions on maps which furnished him nothing but degrees of longitude to define the extent of his earthly donations. We must consider, therefore, that this question of priority in right is to be settled by priority of discovery. Occupation does not seem to have been, at first, considered as strictly essential, though it was generally taken symbolically. It is probable, too, that this rule had no reference originally to any question growing out of the title of the natives. The morality of such an application of it would have more seriously merited the sarcasm of one of our poets, who has said,

"The time once was here, to the world be it known,
"When all a man sail'd by or saw was his own."

As the spirit of discovery advanced, the claims of the native occupants, who might be found here, presented another question. The voyages of Columbus had shown it to be probable that every part of the new world was peopled. It was necessary to find some semblance of principle to dispose of their title. In an age which was overshadowed with superstition, and when the human mind was darkened by bigotry, it was not found difficult to silence conscience, and even enlist the religious feeling of mankind in favor of the schemes of avarice and ambition. They were, therefore, cloaked under the garb of religion. Ojeda's proclamation will show us the nature of the claims of Spain to the soil and sovereignty of South America against the natives.

"I, Alonso de Ojeda, servant of the most high and powerful kings of Castile and Leon, the conquerors of barbarous nations, their messenger and captain, notify to you, and declare in as ample form as I am capable, that God our Lord, who is one and eternal, created the heaven and the earth, and one man and one woman, of whom you and we, and all the men who have been, or shall be, in the world, are descended. But, as it has come to pass, through the number of generations, during more than four thousand years, that they have been dispersed into different parts of the world, and are divided into various kingdoms and provinces, because one country was not able to contain them, nor could they have found in one the means of subsistence and preservation; therefore, God our Lord gave the charge of all those people to one man, named St. Peter, whom he constituted lord and head of the human race, that all men, in whatever place they are born, or in what-

ever faith or place they are educated, might yield obedience unto him. He hath subjected the whole world to his jurisdiction, and commanded him to establish his residence at Rome, as the most proper place for the government of the world. He likewise promised and gave him power to establish his authority in every other part of the world, and to judge and govern all christians, Moors, jews, gentiles, and all other people, of whatever sect or faith they may be. To him is given the name of Pope, which signifies admirable, great father, and guardian, because he is the father and governor of all men," &c.

"One of these pontiffs, as lord of the world, hath made a grant of these islands and of the terra firma of the ocean sea to the Catholic King of Castile, Don Ferdinand and Donna Isabella, of glorious memory, and their successors, our sovereigns, with all they contain, as is more fully expressed in certain deeds passed upon that occasion, which you may see, if you desire it," &c. He then requires them to acknowledge the Pope and the King as the lord of "these islands;" to embrace their religion, and submit to his Government, and concludes thus: "But if you will not comply, or maliciously refuse to obey my injunctions, then, with the help of God, I will enter your country by force. I will carry on war against you with the utmost violence. I will subject you to the yoke of obedience to the church and the King. I will take your wives and children, and will make them slaves, and sell and dispose of them according to his Majesty's pleasure. I will seize your goods, and do you all the mischief in my power, as rebellious subjects who will not acknowledge or submit to their lawful sovereign. And I protest that all the bloodshed and calamities which shall follow are to be imputed to you, and not to his Majesty, or to me, or to the gentlemen who serve under me. And as I have now made this declaration and requisition unto you, I require the notary here present to grant me a certificate of this, subscribed in proper form." So much for the Spanish title.

The state of feeling in England, too, was favorable to the same code of public law for America. Rymer has given us at large the commission of Henry VII to the Cabots, from which I have taken an extract. This king was a near family connexion of Ferdinand of Spain. The tenor of this commission is to sail with the King's vessels, "*ad inveniendum, discooperiendum, et investigandum quascunque insulas patrias, regiones sive provincias gentiliu et infidelium; in quacunque parte mundi positas quae christianis omnibus ante haec tempore fuerunt incognitae.*" They are then commanded to take possession of their discoveries. The Latin is as barbarous as the doctrine. No translation could do it full justice. It is not improbable that this paper was the work of Empson and Dudley, who were the confidential advisers of Henry VII. Their characters are well known to all who have looked into any history of that period. The kingdom is said to have never been in a more disreputable condition than it was at that time. No man was safe; and this reign is said to have been chiefly distinguished by its rapacity and meanness. The successor of this king rewarded the crimes of Empson and Dudley by a bill of attainder.

James I made some improvements upon these examples of his predecessors. A king who held his notions of prerogative at home, was not apt to respect the rights of those abroad very highly. He commissioned Richard Penkevel to sail on a voyage of discovery, and took care to make "assurance doubly sure" to the lands of the natives of America. He prescribed in Penkevel's commission the tenure by which the lands were to be held, before the voyage was even commenced, declaring that they should be held "of Us, as parcel of our manor of East Greenwich in Kent, in soccage and not in capite." It was on a notion derived from some commission or charter of that sort, that the right of Parliament to tax America was maintained about the time of our revolution, on the ground

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that we were represented in the House of Commons as parcel of the county of Kent. Now, sir, it is useless for gentlemen to puzzle themselves with learned theses and ingenious disquisitions, to show that the European nations would have been justified in expelling the natives from their lands, on the ground that they were in a state of nature, and that man in a state of nature has no right to any thing which he holds—not even to his life. King Henry, James, Ferdinand, and the Pope, set up no such doctrines themselves. They doubtless asserted the best which they could find, and ought to have the privilege of being heard for themselves, and justifying themselves upon their own principles. We may search as closely as we may into the history of the claims they set up, and shall find at last that they were defended solely on the ground that these were heretic and infidel countries, and that the claims of heretics and infidels to the earth were entitled to no regard in preference to Catholic dominion. But as the age of superstition and bigotry passed away—as prerogative became weakened, and popish supremacy fell into disrepute—as the minds of men became enlarged, and the public law improved, better principles were established. Before the beginning of the last century, moral and political science had become too far emancipated from the superstition and intolerance of the times of Alexander VI, as well as the Tudors and Stuarts, to sanctify any longer the violences which had been committed in the name of religion and prerogative. Grotius had long before given the true foundation of all original title. “*Primus acquirendi modus est occupatio eorum qui nullius sunt.*” We have the right to take that which others have not already appropriated to themselves, but we have no right to take away our neighbor’s property. This was the rule laid down by that great civilian and christian moralist. Then it came to be held by some that Indian occupation was no occupation for any purpose—that it was the state of nature, without the security of natural law. Some were so very liberal as to admit that the Indians were men, but held that they roved, over the earth as vagrants and outcasts of the human family, with no more title even to what they actually cultivated, than the brutes that fled before them, or the winds which passed over the forest, and that they were fair subjects for force or fraud for all who might find it to be their interest to ensnare or hunt them down. There were John Bulkleys before 1734, who held to this doctrine as stoutly as John Bulkley of Colchester. But I doubt if any other treatise like this can be found in the whole history of New England. Why these people were, above all others, to be excluded from the social law of mankind, was not as closely inquired into as it might have been. It was true that their kings and sachems had few or no prerogatives. They were generally governed by councils assembled from their whole nation. But if the head men and warriors proved to be sometimes refractory, the kings had no power to send them to Tower-hill or Tyburn. They lighted up no fires for heretics, and never sent their own prophets to the stake—they roasted their enemies only. They were ferocious and merciless in war, but they had no St. Bartholomew days. They held large tracts of uncultivated country, but they had no laws of the forests—it was neither death nor transportation for a starving man to take a deer; and it is probable they never heard a discussion on the morality of spring-guns. They believed in witchcraft, as well as some others of their fellow-men—and in that they came somewhat nearer to a certain king, who sat in his closet with his treatise on demonology open before him, and conveyed away their country by parchment and green wax, before he knew where it was to be found. We cannot deny that the European Governments originally held the rights of the Indian nations in very little regard. There were great temptations to treat them lightly, and they were not looked upon with that deference to the sounder principles of justice, and that humanity which

has since so highly improved the moral law of nations. The spirit of avarice was excited, and the thirst of dominion was tempted, by the developments of the resources of the new world. Grants and charters followed, and were often dispensed as rewards to favorites. But, sir, whatever may have been the theories on which the Government at home asserted its supremacy, I deny that our English ancestors, who first colonized these States, ever countenanced that disregard of Indian rights, or carried into practice that system of injustice to the native inhabitants, which has been asserted in the report of the Committee on Indian Affairs. On the settlement of the country, one of two courses was to be pursued—to deny altogether the claims of the Indian occupants for any purpose, and to dispossess them by violence, under any plausible or convenient pretext, or to treat them as holding a qualified right in the soil, and extinguish their title honestly by purchase. We have already seen, in the proclamation of Ojeda, the system pursued by Spain. The natives were treated as fit for spoil only. The history of Spanish America is the most disgraceful tissue of injustice, cruelty, and perfidious villany, which stains the annals of Christendom; and Spain has suffered for her crimes the retributive justice of Providence. But, to the honor of our ancestors, history has given us no North American annals like these. They held the doctrine of discovery so far as to protect the chartered rights of the colonies against the encroachments of others, but they never sanctioned any system which left the Indian nations unprotected against themselves, and fit subjects for lawless plunder. They were men who acted up to their profession before the world. The honorable gentleman from Tennessee, in asking where we should look for the monuments of William Penn, directed us to the noble institutions and enviable prosperity of Pennsylvania. This is all very just to the name of Penn, but it falls short of full justice to his memory. I can tell him where he can find another monument to the fame of that excellent man. Vattel has perpetuated his name to all ages, and in all nations, in that work in which he has commended to all mankind the invariable respect in which William Penn and the puritans of New England held the right of the native inhabitants of America to their native country. It is very true that, in the colonies, the Crown was considered as the only legitimate source of title for its own subjects, and in most of them the lands were generally held under patents from the Crown, or the colonial Governments. This was early established, and continues to be maintained to this day. The discoveries had been made under commissions from the Crown, and possession was taken in its name. As between the King and his subjects, the lands were treated as the domain of the Crown, and Indian purchases were not admitted against the grants of the King or his title. He was considered, in theory, in the light of an original feudal proprietor of the country. It was, therefore, said, that what otherwise might have been called at the bar of the courts the seisin of the Indian nations, was nothing more against the Crown than a naked occupancy. By the original title of the colonists, under their charters, they held in fact under the King, as the lord paramount of the realm. We hold this doctrine ourselves, so far as it applies to our Governments; but we claim no supremacy over the Indian right, even in theory, because they are to be treated as in a state of nature, and without governments of their own, which we have never acknowledged; or as heretics and infidels. Instances may doubtless be found in our history, (and the committee have been able to collect a few,) in which there was occasionally collision between some of the colonists and the Indian nations on the point of title. It is probable that, in some few cases, injustice was done; but the practice of the colonists settled down at last in favor of the sanctity of the Indian title to their lands.

The committee have suggested that we should not give

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much weight to "the stately forms which Indian treaties have assumed, nor to the terms often employed in them," but that we should rather consider them as "mere names" and "forms of intercourse." If treating these Indian nations as proprietors of a qualified interest in the soil—as competent to enter into treaties—to contract alliances—to make war and peace—to stipulate on points involving and often qualifying the sovereignty of both parties, and possessed generally of political attributes unknown to individuals, and altogether absurd in their application to subjects, is nothing more than "mere names" and "stately forms," then this long practice of the Crown, the Colonies, the States, and the Federal Government, indeed, proves nothing. Words no longer mean what words import, and things are not what they are. But these treaties have been looked upon as something quite substantial, in the time of them. Things as firmly settled as these, are not to be easily moved. This most honorable portion of our history is not to be obliterated by a dash of the pen. From a period not long anterior to the revolution in England, there are numerous Indian treaties made by the agents of the Crown, as well as the Colonies. These were doubtless made with the full approbation, and in many instances under instructions or advice from the Crown officers. They have been acted upon and acknowledged, in a way that puts all question as to their obligation at rest. The Crown and the Colonies found it to be their interest to take that course; the motives which led to it were various, and are quite obvious, even to a careless reader of our history. As long ago as 1684, we find a "definitive treaty" made at Albany, between Lord Effingham, then Governor of Virginia, and Colonel Dongan, of New York, with the Five Nations. One of the chiefs said to them on that occasion, that "this treaty had spread so far in the earth, that its roots would reach through the whole land; and if the French should tread upon the soil anywhere, the Indian nations would immediately feel it." They kept this treaty faithfully, and the Colonies owed their security, for many years, to it. Shortly before our revolution, the principle may be considered to have been so far settled, that these nations might well claim to be invested with the capacity to contract in that way, as qualified sovereignties. The doctrines held in the time of Henry VII and the Stuarts, were completely changed before the declaration of independence. On the 8th of April, 1772, General Gage issued at New York, "by order of the King," a proclamation, fully recognising the obligations of the Crown under its treaties with the Indian nations. I do not mean, sir, to be understood to say that this acknowledgement of qualified sovereignty would have been admitted by the British Government to the full extent that we have carried it since. We found it so far settled at the period of our independence, that we openly adopted it as the public law for ourselves. We have ever since placed our relations with the Indians on that footing, and they are not to be disturbed now on any fanciful hypothesis. As to their right to the soil, however, that was long before solemnly settled in practice, and has remained so for a period too long to be now questioned. New England is held under fair and honest purchase from the natives. A very small part of it was ever claimed by actual conquest. Pennsylvania and New York were acquired in the same way. Mr. Jefferson says, in his Notes, speaking for Virginia, "That the lands of this country were taken from them by conquest, is not so general a truth as is supposed. I find in our historians and records, repeated proofs of purchase, which cover a considerable part of the lower country, and many more would doubtless be found on further search. The upper country we know has been acquired altogether by purchases, made in the most unexceptionable form." There is not a foot of land now held by Georgia, for which we cannot produce, from authentic history, her title by pur-

chase from the Indian nations. This system, sir, was conscientious in itself, and founded in good morals. We may here stand up boldly, like honest men, before all mankind. I am not willing to blot out these fairest pages of our history. I will not consent that these proud monuments of our country's honor shall be defaced. I would not darken the living light of that glory which these illustrations of the justice of our ancestors have spread over every page of their history, for all the Indian lands that avarice ever dreamt of, and all the empire which ambition ever coveted.

The administration appears to have conceded to Georgia the right of sovereignty and soil which she claims, in the report of 1827, over the Cherokees and their lands, under the impression that such was the operation of the treaty of 1783. The Secretary of War has placed it on that ground, and assumed, in that respect, the principles of the Georgia report. We have never considered the treaty as any thing more than the acknowledgment of our independence, and we took the rights of the Crown by accession. The King admitted that he treated with us as a power already independent. He granted us nothing of our sovereignty. He merely relinquished, for himself and his successors, his claim to the government, propriety, and territorial rights over the country. We do not claim these from his gift. The treaty took no such form. We became independent, in fact, in 1776, and our national capacity came into existence at that time. We were then at liberty, as an independent power, to adopt any policy or assume any principles we believed to be just in regard to the Indian nations. It is too late to inquire whether we might not have begun differently. We must be bound now by the system which we in fact adopted, and our inquiry should be to know to what principles of public law we are pledged before the world, and in good faith, to abide by in our conduct towards the Indian nations. What doctrines, then, have been assumed—acknowledged—affirmed—established, and acted upon for almost half a century on our part, and trusted to by those we have dealt with? Before you made the treaty of 1783, you had acknowledged the qualified sovereignty of some of these nations. In 1776, we guaranteed to the Delaware nation "all their territorial rights, in the fullest and most ample manner, as it had been bounded by former treaties." The treaty states that the article was inserted to obviate the false suggestion which our enemies had, by every artifice in their power, inculcated upon all the Indians, that the United States intended to extirpate them, and take possession of their country. In the treaty of 1804 they were acknowledged to be the "original proprietors," and you then admitted them to be the "rightful owners" of the lands there referred to. An arrangement was provided, in some of your treaties, for allowing the Delawares and Cherokees deputies to the old Congress. I could refer you to numerous treaties, before and since the treaty of 1783, which conclusively repel the notion that the Indians were transferred to us as serfs of the Crown. It would be an unpardonable waste of time to examine them, or a fiftieth part of them. They include almost every Indian nation within the States. The old Congress acted throughout on the principles which I have stated. The constitution has put to rest a question which arose out of the power of Congress under the confederation, and shows how largely it was intended to vest the management of the Indian affairs in the new government. The articles of confederation had narrowed the power of "regulating trade and managing all affairs with the Indians," by confining it to such as were not members of any of the States, and providing that the legislative right of any State within its own limits should not be infringed or violated. The constitution omitted these restrictions. Mr. Madison, in the *Federalist*, speaking on this point, says:

"The regulation of commerce with the Indian tribes is

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very properly unfettered from two limitations in the articles of confederation, which render the provision obscure and contradictory. The power is there restrained to Indians not members of any of the States, and is not to violate the legislative right of any State within its own limits. What description of Indians are to be deemed members of a State, is not yet settled, and has been a question of frequent perplexity and contention in the federal councils. And how the trade with Indians, not members of a State, yet residing within its legislative jurisdiction, can be regulated by an external authority, without so far intruding on the internal rights of legislation, is absolutely incomprehensible. This is not the only case in which the articles of confederation have inconsiderately endeavored to accomplish impossibilities; to reconcile a partial sovereignty in the Union, with a complete sovereignty in the States; to subvert a mathematical axiom, by taking away a part and letting the whole remain."

All which can be said, in any sense, to have passed to the United States, or to the States, from the Crown, was a naked right of pre-emption to what were called the Crown lands. I speak advisedly when I say that the United States have solemnly and deliberately admitted it. This question was fully examined by the Government, almost forty years ago; and we stand pledged in such express terms to the Indian nations on this point, that our lips are sealed. They can show you a case on their part, that defies all cavil and all criticism. I know that this is strong language; but I have measured my words. I know well the extent of what I say, and what I pledge myself to show in saying what I do. It is not a thoughtless pledge, and it shall be redeemed by proof from the archives of your own Government, which all the subtleties of ingenuity cannot evade, and which will annihilate that learned and labored hypothesis on which the rights of the Indians have been denied by this administration and in these halls. I invite the attention of gentlemen to the papers, which can be produced, on this subject, and should be gratified to hear what answer is to be made to them.

Before General Wayne moved with the army, in 1793, General Washington determined to make one more effort for peace with the Indian nations then confederated against us. The cabinet was convened, and the whole subject of a negotiation was laid before them. The question as to the rights of the Indian nations was there deliberately examined, and the opinions of the cabinet were required by the President. In the first place, Mr. Jefferson has furnished us fully with his own opinion, in the late publication of his papers.

"February 26, 1793.

"First question. We were all of opinion that the treaty should proceed, merely to gratify public opinion, and not from an expectation of success."

"Second question. I considered our right of pre-emption to the Indian lands not as amounting to any dominion or jurisdiction, or paramountship, whatever, but merely in the nature of a remainder after the extinguishment of a present right, which gave us no present right whatever, but of preventing other nations from taking possession and defeating our expectancy; that the Indians had the full and undivided sovereignty as long as they chose to keep it, and that this might be forever; that as fast as we extend our rights by purchase from them, so fast we extend the limits of our society; and as soon as a new portion became encircled within our line, it became a fixed limit of our society."

Another question seems to have arisen in the cabinet, which, as far as I can gather from the book before me, (for I have not been able to lay my hand on the original papers,) involved a re-cession to the Indians of certain lands purchased before. Mr. Jefferson was of opinion that the Government could "no more cede to the Indians than to the English or Spaniards, as it might, on acknowledged

principles, remain as irrevocably and eternally with the one as the other."

The negotiation proceeded. Beverly Randolph, Benjamin Lincoln, and Timothy Pickens were nominated to the Senate, on the 1st of March, as commissioners, and their appointment confirmed. Their instructions are expressed on the face of them to have been given by General Knox, "by the special direction of the President of the United States." A part of their address to the Indian council is as follows:

"Brothers—Now listen to another of a claim, which, probably, has more disturbed your minds than any other whatever.

"Brothers—The commissioners of the United States have formally set up a claim to your whole country southward of the great lakes, as the property of the United States, grounding this claim on the treaty of peace with your father, the King of Great Britain, who declared, as we have before mentioned, the middle of those lakes, and the waters which unite them, to be the boundaries of the United States.

"Brothers—We are determined that our conduct shall be marked with openness and sincerity. We therefore frankly tell you that we think those commissioners put an erroneous construction on that part of our treaty with the King. As he had not purchased the country of you, he could not give it away. He only relinquished to the United States his claim to it. That claim was founded on a right acquired by treaty with other white nations, to exclude them from purchasing or settling in any part of your country, and it is this right which the King granted to the United States.

"Brothers—We now concede this great point. We, by the express authority of the President of the United States, acknowledge the property, or right of soil of the great country above described to be in the Indian nations, so long as they choose to occupy the same. We only claim particular tracts in it, as before mentioned, and the general right granted by the King, as above stated."

These papers are to be found in the manuscript volumes of the Senate. They were communicated to that body by General Washington. The originals were doubtless in the War Department when the present Secretary wrote his letter of the 18th of April to the Cherokee delegation. In an address of Mr. Jefferson to the Cherokees, during his administration, he says:

"I sincerely wish you may succeed in your laudable endeavors to save the remnant of your nation, by adopting industrious occupations, and a Government of regular law. In this you may always rely on the counsel and assistance of the United States."

These, sir, are "the lights that flow from the mind that founded and the mind that reformed our system," speaking of which, one has said to his country, that a diffidence, perhaps too just, in his own qualifications would teach him to look with reverence to the examples of public virtue left by his illustrious predecessors.

Mr. Jefferson's opinion to General Knox, in 1791, speaks a language that cannot be misunderstood. He there says, "Government should firmly maintain this ground, that the Indians have a right to the occupations of their lands, independent of the States within whose chartered lines they happen to be; that until they cede them by treaty, or other transaction equivalent to treaty, no act of a State can give a right to such lands; that neither under the present constitution, nor the ancient confederation, had any State or persons a right to treat with the Indians, without the consent of the General Government." What is the answer, sir, which the Cherokees and Creeks have received to all this? The modern records of the Department of War, and the papers on our table, will show us no very enviable contrast to that just and humane policy which

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the administration of Washington solemnly pledged us to follow in our intercourse with these unfortunate people. If any thing can bind a Government, we have not a pretext for denying the qualified sovereignty of the Indians. We have dealt with them by commissioners appointed under all the forms of the constitution. We have asserted our compacts to be definitive treaties with them as nations. We have ratified them like other treaties. They are promulgated in the statute book as the law of the land. We have not only recognised them as possessed of attributes of sovereignty, but, in some of these treaties, we have defined what these attributes are. We have taken their lands as cessions—terms totally senseless if they are citizens or individuals. We have stipulated for the right of passage through their country, and for the use of their harbors, for the restoration of prisoners, for the surrender of fugitives from justice, servants, and slaves. We have limited our own criminal jurisdiction and our own sovereignty, and have disfranchised our citizens by subjecting them to other punishments than our own. With the Cherokees you have, in one treaty, stipulated the manner of proceeding for injuries, by a formal declaration of hostilities before war. These are some of the most prominent and remarkable of your acts. You cannot open a chapter of Vattel, or any writer on the law of nations, which does not define your duties and explain your obligations. No municipal code reaches them. If these acts of the Federal Government do not show them to be sovereign to some extent, you cannot show that you have ever acknowledged any nation to be so. The condition of these Indian nations is not treated of by authors of public law in Europe, because no such condition of things exists there. You may find some analogies in former times, but they will turn out to be against you. If you look to the moral law, you can find no escape there. I might ask, where was your authority to make the compact with Georgia? The lands to be acquired were not to be of the domain of the General Government. What is the bill now before us? Who are the “nations” with whom we have “existing treaties?” Who are to receive new guaranties from the United States, if, after this, they will accept another from us? Who are those that the President is to exercise a “superintendence” over? Are they citizens? The framers of this bill have not been able to make its provisions intelligible, without admitting much which they deny in sustaining it. The guaranty now proposed is as much a dismemberment of the sovereignty of the United States, as former ones were of Georgia. The only difference is, that the President alone is to act in this matter, while your treaties were made by the States in the Senate, where the sovereignty of Georgia was represented. If there is any thing in this part of the argument against the Cherokees, gentlemen are bound to protect the sovereignty of the United States, by voting against this bill. The President informs us that they are to have “Governments of their own choice,” located on our domain.

There is nothing alarming to our own security or our pride in admitting this sovereignty in the Indian nations. We took care in the first instance to obtain all necessary limitations of it. They confessed themselves to be under our protection—that their lands should be sold to us only, that we should regulate their trade; and we stipulated for various other restrictions on their part. Great foresight and wisdom in this respect were shown by those who first admitted them to their present condition. The treaties will show how carefully this matter was guarded, and we have suffered no inconveniences from it, of which reasonable men should complain. We have made them subordinate to us in all essential points, by express treaties. Our intercourse laws are founded on the system we have adopted; and though their constitutionality has been questioned, too, it is not probable that Mr. Jefferson approved any law that palpably violated the reserved rights of the States. If the question before us is not settled at this day, there is

nothing settled in the Government. Every thing is to be kept floating. We shall never know what our institutions are, nor will others know when or whether to trust us at all. The mischiefs which are to follow to the Cherokees are incalculable. They were told forty years ago what we then admitted their rights to be. They are now in a great measure reclaimed, under our councils, from their former condition, and have begun to realize the blessings of civilization. When they have just reached that point which is successfully calling forth their talent, and developing their capacity for moral improvement, we are about to break up their society, dissolve their institutions, and drive them into the wilderness. They have lived for a short time under a Government of their own, which very able counsel [Mr. WHITTE, of the Senate] has vindicated in one of the most learned and conclusive opinions I have ever met with. Their right to adopt for themselves the institutions which they have established, and to assert the qualified sovereignty which they claim, is demonstrated in that paper, and settled upon ground that no argument or ingenuity can shake. This opinion, too, was given upon great deliberation, and shows that the whole question was cautiously as well as thoroughly examined. It is not to be viewed in the light of a mere professional opinion. It exhibits the deductions and convictions of the mind of a civilian and statesman, drawn from a comprehensive and masterly view of the subject in all its bearings and relations. If there could be a doubt on any point considered in it, we might question the right of the Cherokee Government to tax the United States traders. Their treaties had conceded that the regulation of their trade should be managed by the General Government, and such an exercise of power on the part of the Cherokees might essentially defeat the objects and stipulations of the treaties. What, sir, is the character of this Government of the Cherokees, which appears to have offended the pride of Georgia so highly? They claim no jurisdiction over the concerns of anybody but themselves. They have always had this, and always exercised it. Their Government has lately assumed a more convenient form, and better adapted to their improved condition. Their domestic institutions show more of civilization and good order than we have seen among them before, and I hope we do not reproach them for that. Their regulations for the allotment of their lands, and the better government of their own people, interfere with nobody. I have never yet been able to see the force of that suggestion which treats them as a State within the sense of that part of the constitution which forbids the erection of any new State within the jurisdiction of any other without its consent. I think it has no application to the case. The Cherokee Government has neither been formed or erected as one of the States of this Union, or to be admitted into it. It is no more calculated to alarm the jurisdiction of any State, than a certain kingdom lately projected on Grand island, the institutions at New Lebanon, or the family government at New Harmony.

But it has been said, in answer to the claims of the Indians, that we hold our sovereignty over them and their lands by conquest as well as discovery. I shall say but little as to that pretension. They may have been defeated in battle. Their country may have been overrun by our armies. We may have invaded them, and sometimes burnt their towns and driven them into places of concealment. But it is essential to title by conquest that we should have exercised the right which the laws of war allow to the conqueror. Have we taken away their lands, abolished their governments, and put them in subjection to our laws? If this has not been done, (and history shows that it has not,) it is too late now to say that there has been a time when we might have done it. So far from claiming to exercise this right, we have closed our hostilities by treaties ever since we became an independent Government, and both parties were restored to their original condition, ex-

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cept on points which the treaties provided for. It must be considered, too, that when we set up the title of conquest, we seem to feel that discovery alone would not have reached the rights of soil against the native inhabitants; and I thought the gentleman from Tennessee felt pressed in making out his case, when he assumed that discovery gave us the right to follow it up by conquest. The war must at least be lawful, to justify that title in any case on the score of morality. I do not think that the position can be sustained, that, because we have discovered any new country, we have the right to conquer it. If we choose to put it on the ground of mere force, I will not say that title by conquest may be denied, though the war may have been unlawful. But I do not agree that this was done on the discovery of America. Our history does not show it.

I forbear to take up more of your time on this part of the question, for I fear that I have already wearied your patience. But, before I leave it, I beg leave to call your attention to one of the many luminous papers which have issued upon this subject from the Department of War. We have found a pamphlet on our tables, containing a letter of the 25th of August last, to the Rev. Eli Baldwin, secretary of a board formed in the city of New York for the "salvation of the Indians." This board is pledged in its constitution to co-operate with the Federal Government in its "operations on Indian affairs." But this article has fortunately restricted that hasty pledge by an express condition "at no time to violate the laws" of the Union. Of these laws, the intercourse acts and treaties are certainly the most sacred in right and morals. In replying to a letter communicating to the President a copy of the constitution of this benevolent association, the Secretary of War availed himself of the occasion to take it upon himself to instruct the board in that casuistry by which the faith of our treaties might be impaired successfully. The argument is very brief, and the process quite summary, by which he accomplished this political absolutism in our behalf. I do not feel at liberty to hazard the omission of a single word that might impair its merit or obscure its clearness, by undertaking to repeat it from memory.

"How can the United States' Government contest with Georgia the authority to regulate her own internal affairs? If the doctrine everywhere maintained be true, that a State is sovereign, so far as, by the constitution adopted, it has not been parted with to the General Government, then it must follow as matter of certainty, that within the limits of a State there can be none others than her own sovereign power that can claim to exercise the functions of Government. It is certainly contrary to every idea of an independent Government for any other to assert adverse dominion and authority within her jurisdictional limits; they are things that cannot exist together. Between the State of Georgia and the Indian tribes within her limits, no compact or agreement was ever entered into; who then is to yield? for it is certain in the ordinary course of exercised authority that one or the other must. The answer heretofore presented from the Government, and which you, by your adoption, have sanctioned as correct, is the only one that can be offered. Georgia, by her acknowledged confederative authority, may legally and rightfully govern and control throughout her own limits, or else our knowledge of the science and principle of government, as they relate to our forms, is wrong, and has been wholly misunderstood."

Now, sir, all this may seem to be very clear demonstration to its author. I do not doubt that he honestly thought it must prove quite convincing to all who should have the good fortune to meet with it. With your leave, sir,

"I'll talk a word to this same learned Theban."

I should like to know whether it ever occurred to him,

in the course of his profound investigations, that the question to be examined was; whether this was really the internal affair of Georgia only, or not? It would have been better to have proved this conclusion, than to have assumed it. He began to reason at the wrong end of the matter, and that is the misfortune of his whole argument. It must strike the mind of others, too, if the Secretary himself failed to discover it, that the powers which Georgia has, in fact, parted with to the General Government, must be exercised within the States, or they cannot be exercised anywhere. Yet Georgia remains an independent Government as to all the sovereignty she has reserved. What more is there in that paper but a jargon of words? Adverse authority—exercised authority—confederate authority! I wish to hold the Government of my country in some respect, if I can; but I was ashamed to find the justification of one of its measures put forth in such a paper as this from one of the Executive Departments. I trust that he answers for himself only, when he speaks of our knowledge of the principles of our own Government, and then I will agree, that, if we are to judge from this paper, he knows very little about them.

We are less justifiable in applying the principles which have been asserted to the Indian nations in Alabama and Mississippi. Before these States were erected, they were the territory of the United States. The jurisdiction was in the General Government. There were no State rights in existence there. We had solemnly guaranteed to the Creek nation all their lands, and recognised their sovereignty under various treaties. These States have but recently been admitted into the Union. Yet the President has said in his message, "it is too late to inquire whether it was just in the United States to include them (the Indian nations) and their territory within the bounds of new States, whose limits they could control. That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitutional power." It is not denied here, nor could it have been, that while this was the territory of the United States, it was competent for the Government to admit the sovereignty of the Creek nation. But it is assumed that the erection of this territory into States, under the same constitution which sustained the treaties, has abrogated our obligations. This casuistry will hardly mislead any very plain man. We are to be released from the effect of our treaties by our own act, against the will of the other party, who has faithfully kept them. Is it indeed too late to inquire if this be just? I know of no such maxim among nations, if it is to be found anywhere. The constitution secures the inviolability of these treaties as effectually as it has the federal sovereignty of these new States. In acceding to the Union, they become bound with the other States in all their political and conventional obligations. If the older States remain bound by these treaties, (and no one, I presume, denies that,) the new States, as constituent parts of the federal sovereignty, are bound to respect and fulfil them too.

The history of our guaranties to the Cherokee and Creek nations, is stated at large in the Executive Journal of the Senate. General Washington came with General Knox to the Senate chamber, and laid before the Senate the state of the difficulties existing between North Carolina and Georgia, and these Indian nations. These States had protested against the treaties of the old Congress, as infringements of their legislative rights. General Washington stated that the Cherokees had complained that their treaty had been violated by the disorderly whites on the frontiers, but that as North Carolina had not acceded to the Union, it was doubtful whether any efficient measures could be taken by the General Government. In relation to the difficulties between Georgia and the Creeks, it was stated to be of great importance to Georgia as well as the United States, to settle those differences, and that it

would be highly embarrassing to Georgia to relinquish certain lands, which she alleged the Creeks had already ceded to her, and which her citizens had settled upon. To fix certain principles as instructions to the commissioners, General Washington stated several questions to the Senate for their advice. Among these was the subject of a cession from the Creeks of the lands in controversy, and one of the conditions to be offered them on that point was as follows:

"4th. A solemn guaranty by the United States; to the Creeks, of their remaining territory, and to maintain the same, if necessary, by a line of military posts."

The Senate advised and consented to this, and the treaty was negotiated and ratified. The differences with Georgia appeared then to be finally settled.

On the 11th of August, 1790, General Washington stated to the Senate in a message, that, as the obstacles to closing the difficulties with the Cherokees had been removed by the accession of North Carolina to the Union, he should now execute the power vested in him by the constitution, to carry into faithful execution the former treaty of Hopewell, unless a new boundary was agreed upon, and proposed to the Senate several questions as to the compensation to the Cherokees for that purpose, and the following condition:

"3d. Shall the United States stipulate solemnly to guaranty the new boundary which may be arranged?"

The Senate consented that this guaranty should be given, and the treaty of Holston was made in conformity to it. It was negotiated by Governor Blount. The manuscript volumes of the Senate show certain instructions from the Government to Governor Blount, of the 27th of August, 1790, which are so highly characteristic of the administration of General Washington, that I have taken a brief extract from them, which I beg leave to read.

"In order to effect so desirable a purpose upon proper principles, it is highly necessary that the United States should set the example of performing all those engagements which by treaties have been entered into under their authority. It will be in vain to expect a consistent conduct from the Indians, or the approbation of the impartial part of mankind, while we violate, or suffer a violation of our engagements. We must set out with doing justice, and then we shall have a right to exact the same conduct from the Indians."

This is the history of your guaranties, and these the professions which you made when you offered them. They were given on mature deliberation—with the full knowledge of the claims of all parties, and were entered into with a solemnity which admonishes us that they cannot be safely trifled with. Against whom were they to operate? Not against foreign powers, for they had no claims, nor against the General Government. It was the claims of the States to their country which we stand pledged to resist, until they consent to part with it peaceably. It is claimed again now by some of the States, that our power to contract with these nations, as qualified sovereignties, violates their jurisdiction. But we have seen that this question was fully before the Senate when we gave these guaranties, and General Washington said that, since North Carolina had acceded to the Union, he should put forth the strength of the executive power entrusted to him by the constitution, to execute the treaty of the old Congress with the Cherokees. These guaranties cannot be executed at all, unless the treaties and the intercourse laws are paramount to the laws of the States.

The operation of the laws of Georgia, as well as Mississippi and Alabama, shows this. I know that there is nothing on the face of these laws which proposes to exert any direct force for the removal of the Indians. But, under the existing condition of things there, the moral effect of these measures will as effectually accomplish this end as your army could do it. The Indians themselves believe

it, and the Secretary of War well understands that to be the inevitable consequence of them. I infer, from a document on your table, that he has instructed your own agents to make use of them for that purpose. A letter from the Choctaw interpreter to the War Department, of the 27th of November last, says: "I was put in possession of the contents of your letter of the 31st ultimo to Colonel Ward, United States' agent to the Choctaws, and was ordered by him to interpret and fully explain the nature of the laws of Mississippi that were about to be extended over them, and the bad consequences that would attend, as they were not prepared to live under said laws. I have advised them on all occasions to make the best arrangement with the Government they possibly can, and emigrate to the west of the Mississippi." The Secretary wrote to the agent of the Cherokees, since this measure has been pending: "The object of the Government is to persuade, not coerce their Indian friends to a removal from the land of their fathers. Beyond all doubt, they cannot be peaceable and happy where they are; yet still will they be protected to the extent that right and justice and the powers possessed require." Beyond this the President has neither the inclination nor the authority to go. It is idle to talk of rights which do not belong to them, and of protection which cannot be extended. The most correct plan is to disclose the facts as they exist, that all in interest may be warned, and by timely precaution escape those evils of which experience has already afforded abundant indication there is no avoiding, situated where they are." We can all understand language of this sort, without the aid of an interpreter. But the Cherokees and Creeks have declared that they will not leave their country. They peremptorily refuse to go over the Mississippi. Why, then, have these laws of the States been extended to them at this particular time? We are told that this bill is only to come in aid of their voluntary emigration. But you have had their answer to that for years. Your table is covered by their memorials and protests against it. You have made large appropriations before now to effect that object, and have failed. Why, then, are you repeating these appropriations at this particular time? They are at your door, and tell you they will not accept them. Is there not reason, then, to believe that they are to be removed against their real consent and inclinations, though no actual force is meditated in any quarter? Individuals may doubtless be found to surrender the lands of the nation which they happen to occupy. These lands then pass to Georgia. The nations are to be put at variance among themselves. Their social institutions are to be destroyed. The laws of the States have done that effectually. The lands surrendered are to be covered with white men. Can the Cherokees then live there? Is that the protection which you have promised? Is that the execution of your solemn guaranties? Is that your dealing with your plighted faith and national honor? Sir, the confidence of these nations in the securities of their treaties and your good faith, is shaken. They feel that they are abandoned—that your laws have ceased to protect them—that their institutions are destroyed—that the pressure to be inflicted on them is such that they cannot bear it, and that they must abandon their country when this House shall have sanctioned the measure before you.

The Government is undoubtedly right when they say that the Indians cannot live where they now are, under these laws. And why, then, were they passed? We are told in one breath that they are mostly mere savages, and that all the efforts to reclaim them have failed; and in the next we hear, that, to carry into effect a very benevolent plan for their improvement, they are to be placed under the strict regulations of our state of society. Are we to understand by this that they are to be civilized by a legislative act? It is useless, sir, to consider this matter gravely in that way. We do not deceive ourselves by it, and shall

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mislead nobody else. There is sagacity enough in the people whom we represent to understand it. Think you that, with the Georgia report before them, they will believe that the object of these laws is to reclaim the Indians and improve their condition; so as to attach them more strongly to their country? The Government has put this in its true light. The consequence will be, that, in their state of society, they can enjoy none of the practical benefits of the general laws of these States, and will be subjected at the same time to the whole range of their ordinary criminal jurisdiction, as well as another code applicable to themselves only. We hear it sometimes said that they are to be admitted to the privileges of citizens, as if some substantial privileges, which they do not now enjoy, were to be conferred on them. Why, then, do we find this bill here, exactly at the time when they are to receive these favors? If they are really to receive any new privileges, will they not be more contented where they are, and less inclined to go beyond the Mississippi? It will be asked, too, by many, who cannot understand this sort of reasoning, what particular benefits these States expect to obtain by extending their laws over some thousands of people who are said to be wild Indians, and bringing them within the pale of their society. There is certainly no State pride to be gratified by that. I shall not take up your time to answer questions of this sort. If these laws do not speak a language that can be understood here, they will be very well understood elsewhere. There is no reason to believe that Indian communities will disturb the peace of these States if their own citizens will let them alone. The only sufferers in that respect are the Indians. There are laws enough to meet that case, if Government will do its duty, and execute them faithfully. The Indians are a peaceable and inoffensive people, advancing rapidly in moral improvement, cultivating their lands, establishing schools and churches, and disturbing nobody. They have already patiently borne what we should not submit to ourselves, and they will bear much more, if we choose to inflict it upon them. But they are not prepared to live under our laws, if we had the right to extend our protection over them without their consent. The courts of justice in these States will doubtless see that right is done, so far as they are to administer the law in particular cases. But they will afford a slender protection against the operation of moral causes which will reduce them to the condition of outlaws in society.

I am not satisfied that the funds to be provided by this bill are to be used in such a manner as we shall be willing hereafter to approve. The Secretary of War said last year to our commissioners, "Nothing is more certain than that if the chiefs and influential men could be brought into the measure, the rest would implicitly follow. It becomes, therefore, a matter of necessity, if the General Government would benefit these people, that it move upon them in the line of their own prejudices, and, by the adoption of any proper means, break the power that is wavering with their best interests. The question is, how can this be best done? Not, it is believed, for the reasons suggested, by means of a general council. There they would be awakened to all the intimations which those who are opposed to their exchange of country might throw out; and the consequence would be, what it has been, a firm refusal to acquiesce. The best resort is believed to be that which is embraced in an appeal to the chiefs and influential men, not together, but apart, at their own houses, and, by a proper exposition of their real condition, rouse them to think of that; whilst offers to them, of extensive reservations in fee simple, and other rewards, would, it is hoped, result in obtaining their acquiescence."

Now, sir, disguise these suggestions as we may, there can be no successful dissimulation in language of this sort. It is sheer, open bribery—a disreputable proposition to buy up the chiefs, and reward them for treason to their peo-

ple. It is the first time, so far as my knowledge extends, that such a practice has been unblushingly avowed.

There is more, too, before us, which should attract the attention of this House. I see by a pamphlet before me, that our superintendent of Indian Affairs, in the War Department, was sent to New York last summer to aid the benevolent institution to which I have already alluded, with such information as he might possess in regard to these Indian nations. He delivered an address on that occasion in one of the churches of that city. In this he said, that if the Indians were present he would address them thus:

"Brothers: Whether it is wise in you thus to linger out a chafed, and impoverished, and disheartening existence, and die as your fathers have died, and leave the same destiny to your children, or to leave your country and the bones of your fathers, which cannot benefit you, stay where they are as long as you may."

I was shocked, sir, when I met with the shameless avowal of such a sentiment, and addressed to such an audience, too, by an agent of this Government. I have no language that can express my detestation of it. No man who cherished a spark of virtuous feeling in his heart, could have given it utterance. It deserves the marked reprobation of this House, as the guardians of the honor of the country; and the Government ought not to retain him in his place a single hour.

I am admonished, sir, by the duty which I owe to the House for their indulgence, to occupy your time no longer.

But I ask gentlemen to review the history of this Government faithfully, and say, if, on looking to the affliction condition of those people, and the certain consequences which are to follow, they can lay their hands upon their hearts, as honorable men, and say that they feel clear in conscience in going any further with this measure. We are not dealing for ourselves in this matter. Our own reputation is not alone concerned. The character of the country is deeply involved in it. We shall not be able at last to disguise our co-operation in removing these nations from their country. We may now flatter and deceive ourselves as we may, but the time will come when our responsibility can neither be evaded nor denied. It must be met, and it is better for us to consider now what we must meet. Our relations with the Indian nations are of our own seeking. We assumed our guardianship over them voluntarily; and we justified it, too, in the name of religion and humanity. We claimed it to be due from us as a civilized, enlightened, and christian people to them—to our own character, and the opinion of the world. They never asked it of us. We stretched out our arm towards them, and they took our hand, in the confidence that we should act up to our professions. It was we who solicited their friendship, and not they ours. It was done for our convenience, too, and not theirs. We offered them our faith, and they trusted to us. To attest our sincerity and win their confidence, we invoked the sanctions of our holy religion. They have confided in us like children, and we have solemnly pledged our faith before God and all mankind, to fulfil our promises to them righteously. We came here, and set ourselves down in their country, and not they in ours. They were then strong, and we were weak and helpless. They could have crushed us in the hollow of their hand. But we had fled from oppression and persecution in our own native land, and they received us here in theirs as friends and brothers. We have perpetuated their hospitality to our fathers on the gorgeous pannels which surround us. If we cherish in our hearts the slightest sentiment of honor, or the least spark of gratitude yet lingers there, we shall not be able to lift up our eyes and look around us when we enter these halls, without feeling the smart of that rebuke which we deserve and must suffer for our perfidy. These memorials of their hospitality cannot be effaced until we shall have dilapidated

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these walls, or another enemy shall kindly inflict upon us a lesser disgrace.

We came to these people with peace offerings, and they gave us lands. As we increased in numbers we increased our demands, and began to press upon them. They saw us hemming them in on every side, and furrowing down the graves of their fathers. As their subsistence was wasting away, they remonstrated against us. We were deaf to their reproaches. They implored us to remember their kindness to us, but we turned away from them. They resisted at last, and flew to their arms. Fierce and bloody wars followed. We felt their power; and if they had been united, or had foreseen what we are now doing, we should not now be in these seats. We met again in friendship, and established our treaties with them. We pledged our faith, and gave them our solemn guaranties that we would come no further. I hope that we shall feel it our duty to observe them like honest men.

But we are asked, will you leave things in their present condition? Will you refuse to treat with them? No. But if I am asked when we shall treat, I am ready to answer: Never, sir, never, till they are at perfect liberty, and free from all restraint. I should not consider a treaty made with them in their present wretched and forsaken condition, as morally binding on them. I will not consent to take advantage of men in their situation. I am sick—heart-sick of seeing them at our door as I enter this hall, where they have been standing during the whole of this session, supplicating us to stay our hand. There is one plain path of honor, and it is the path of safety, because it is the path of duty. Retrace your steps. Acknowledge your treaties. Confess your obligations. Redeem your faith. Execute your laws. Let the President revise his opinions. It is never too late to be just. Let him extend his hand to them as a brother—as their great father indeed. The power of the Government is at his command. Let him set them free. Above all things, win back their confidence. Convince them that they may trust you again as friends. If you will do this, and they are free to act without any coercion, I am ready to execute any treaty which they will make with you. But it must be done “peaceably”—in the true spirit of our obligations to Georgia, and in no other way. I wish they were in a condition to treat with us fairly. I wish it for the sake of Georgia—for them and for ourselves. But I will not consent that Government shall operate on their fears. It is unmanly and dishonorable. I will not agree to inculcate on their minds the slightest suggestion that they are not to be protected fully, fearlessly, and faithfully. They are now sinking under the terror of the calamities which they believe await them when this bill shall have passed. They believe that the laws of the States are not to be extended over them for good. It is immaterial whether they are right or not in this belief. They believe it to be for evil, and anarchy is now there in its worst forms. I have too much confidence in Georgia to believe that she will suffer any violence to be committed under her authority. But the effect produced by her laws has not left these people free agents. These States have no right to ask us to act under such circumstances, or, if they do, we ought to judge of that for ourselves, and refuse to act if we think the honor of the Government forbids it. Heal the wounds which you have inflicted, and convene their councils. If they will then treat with you, bring your treaty here instead of this law. We shall then know what we are doing. I will then sustain the Executive, by my humble vote, in all that he shall promise in our name. He shall have countless millions to fulfil our faith. The treasures of the nation shall flow like water, and the people of this country will bear any burden rather than suffer the honor of their Government to be stained with perfidy. But for coercion, or any thing like coercion—moral or physical, direct or indirect, I will vote nothing—not one poor scruple. I will take no re-

sponsibility that may involve the country in that taint upon our reputation, nor be accessory to it. No pride of opinion should influence us. There are no laurels to be won in this field. There is no victory to achieve over a people in their situation. There is no reward before us but disgrace, and the detestation of our fellow-men. If this bill passes, they will submit to all the injuries which may be inflicted upon them, for it is no longer in their power to resist. They will bear it as long as men can bear oppression, but they will sink under it at last. If we were in their situation, we should not leave our own country willingly. We, who are strong and proud, and restive of restraint, should fly to arms for half of what they have suffered already. We have done it, but we had friends to sustain us. But the Indian must submit. When we have turned him away from our door, he has no friends anywhere. Shall we, who boast so much of our institutions, and talk so loftily of patriotism, reproach him because he loves his country too well—because his heart is not as flinty as we would make it—because he lingers too long among the graves of his fathers? But, sir, if the fiat is pronounced here, he will go. He must go, for he cannot stay there and live. They will leave the fields which they have reclaimed from the forest and laid open to the sun, their comfortable dwellings, their flocks, their schools, their churches—aye, sir, their christian churches, which we have built there, and which now stand where the stake of the victim was once planted. But they will not leave the graves of their fathers. A whole nation, in despair, will piously gather up their bones, and retire to your western forests. When they shall have reached its nether skirts, they will look back for the last time from the mountain over this beautiful land of their fathers, and then retiring to the deeper shades within, will curse your perfidy, and teach their children to execrate your name. We could bear reproach from the proud and the insolent, but there is eloquence in the humility with which these people plead their wrongs. We feel our guilt in the very submissiveness with which they approach us.

I have viewed this question in all the lights which have offered themselves to my mind, and I can see no way to dispose of it safely, but to stop where we are—to go no further; but to retract openly, honorably, and immediately. Every step we advance in this injustice will sink us deeper in disgrace. But, sir, to reject this measure is not enough. We cannot regain what we have already lost, unless our laws are executed. We cannot leave our seats here, and do this ourselves. Without the co-operation of the Executive, we are powerless; and if he will not pause—if he will not execute the treaties—if the laws are suffered to sleep—if reason and justice are slighted, and expostulation is in vain—if his oath will not awaken him to stretch forth his arm fearlessly and honorably to sustain the constitution and laws of the country, and the rights of these oppressed people, he shall go on upon his own responsibility, and that of those who may be about to place this measure in his hand. Be the consequences what they may, the stain of whatever may happen shall be upon his hands. My poor opinion in this matter may be worth very little here, and I may be mistaken in my apprehensions. I will leave this to time and those who come after us. But, holding the opinions I do, I will take no share of the responsibility of carrying this measure through the House. On a subject as momentous as this, it is better for us, and more just to our constituents, that we should postpone this measure, and let the question be fairly and fully presented to them before we act upon it finally. They have a right to demand it of us. Let the feeling and judgment of the whole country be consulted. When this bill has passed, the matter is beyond our reach and theirs. The memorials on your table ought not to be lightly trifled with, and will not be safely despised. This thing is not to be done here in a corner without responsibility. It will be stripped

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of all the mysteries and vain disguise in which we may hope to conceal its real character, and be put to the severest scrutiny. Surely, sir, we must wish that we felt confident of that enlightened support in public opinion, without which we cannot be, and will not find ourselves sustained before the country.

We may differ on points which affect our internal policy only without responsibility to others. But our conduct in this affects the security of the social law of all mankind, and which all nations are interested to sustain. They have the right to sit in judgment upon us. That part of the law of nations which commands the observance of treaties, is the law of the whole human family. Though the present measure may not immediately affect them, and they may have no right to interfere, yet they have the right for their own security to put in action the moral feeling of the world against the effect of our example. Whatever our opinions may be of the invasion of France as a question of original interference, the powers of Europe were fully justified in the measures which they took in 1815, on the return of Bonaparte from Elba. As the violator of treaties, he had placed himself out of all civil and social relations. There was no security for any Government, if so dangerous an example, by such a formidable power, should have been able to sustain itself. I have nothing to say of the subsequent disposition of his person. It does not concern the question before us. But the opinion of mankind sustained his expulsion from France, if not from Europe, and history will sanction it. The eye of other nations is now fixed upon us. Our friends are looking with fearful anxiety to our conduct in this matter. Our enemies, too, are watching our steps. They have lain in wait for us for half a century, and the passage of this bill will light up joy and hope in the palace of every despot. It will do more to destroy the confidence of the world in free government, than all their armies could accomplish. Our friends everywhere will be compelled to hang their heads, and submit to this reproach of their principles. It will weaken our institutions at home, and infect the heart of our social system. It will teach our people to hold the honor of their Government lightly, and loosen the moral feeling of the country. Republics have been charged, too, with insolence and oppression in the day of their power. History has unfortunately given us much proof of its truth, and we are about to confirm it by our own example. But, sir, we must stand at last at the bar of posterity, and answer there for ourselves and our country. If we look for party influence to sustain us now, it will fail us there. The little bickerings in which we now bustle and show off our importance, will have then ceased and been forgotten, or little understood. There will be no time-serving purposes to warp the judgment—no temptations to entice into error—no adulation to offer unto power, or to win the favor of the great—no ambition to be exalted—and no venal press to shelter wrong, to misrepresent the truth, or calumniate the motives of those who now forewarn you of your responsibility. The weight of a name will not sustain you there, and no tide of popularity will carry you along triumphantly. Our country will be brought by the historian—*custodia fidelis rerum*—to that standard of universal morality which will guide the judgment and fix the sentence of posterity. It will be pronounced by the impartial judgment of mankind, and stand forever irreversible. The character of this measure will then be known as it is. The full and clear light of truth will break in upon it, and it will stand out in history in bold relief. The witnesses who will then speak, will be those illustrious men who have not lived to see this day. Your history—your treaties and your statutes, will confront you. The human heart will be consulted—the moral sense of all mankind will speak out fearlessly, and you will stand condemned by the law of God as well as the sentence of your fellow-men. You may not live to hear

it, but there will be no refuge for you in the grave. You will yet live in history; and if your children do not disown their fathers, they must bear the humiliating reproaches of their names. Nor will this transaction be put down in history as a party measure. Our country, too, must bear the crime and the shame. I have been a party man, sir, perhaps too much so—and I have contributed nothing to place the present Chief Magistrate in the station which he now holds—as yet under the constitution and not above it. But I should deem it a lesser evil and a more supportable calamity—and I declare to you that I had rather see him or any other man created dictator at once, and let him sway our destinies, for one life at least, than suffer for a single hour the shame of feeling that my country must submit before the christian world to the disgrace of being set down in history as the violator of her treaties, and the oppressor of this helpless people who have trusted so confidently to her faith.

But I will not despond, or give up all for lost. When it is considered how little, after all, these States really have at stake on this question, and how trifling the acquisition of this paltry territory must be, I cannot believe that they will refuse to make some sacrifice or concession of feeling to the reputation of the country. Are not our honor and our reputation—our interests and our glory, theirs? Are they not bound up with us in one common lot, for good or evil, as long as this constitution and our Union shall endure, and until the blessings which, under the goodness of Providence, it may long dispense to our common country, shall be forever withdrawn?—until that appalling night of despotism shall descend upon the world, and lower upon the whole family of man, when this bright constellation shall have set, and the last hope of human freedom has been forever extinguished? What are these miserable remnants of Indian land worth to them or to us, if, in settling an abstract question of jurisdiction, we are about to expose ourselves and them to the imputation of bad faith? New York, Pennsylvania, Virginia, and Ohio have all yielded to the constitutional authority of the Union, on points quite as essential, in their opinion, to their sovereignty as this. There is nothing to be won in this controversy that is worth a moment's thought, in comparison with the condemnation that lies beyond it. To avert such a calamity, I will yield much, very much. I will give up almost any thing here. I will claim nothing of these States that shall offend their pride. The point of honor shall be conceded to them, and our good faith shall be vindicated by a concession from their patriotism. I will not yet give up even this hope. Nor will I believe that the Chief Magistrate will suffer the reputation of his administration and the country to be tarnished. I will look there, too, for better councils, and a more deliberate examination of the ground on which he has placed himself. Whether we favored his elevation to his present station or not, we may all unite in wishing that he may leave it with a solid reputation, and that he may advance the honor of his country beyond even the hopes of his friends. We are all interested in his fame, for it is now identified with his country. There are nobler examples for his emulation than Spain or Carthage. Let him vindicate the public faith of his country, and he shall be hailed indeed as her savior, for he will have preserved her honor. Let him instruct the world that the sanctity of treaties is no longer the scorn of republics, and he shall then have truly filled the measure of his country's glory and his own. Her history beams with light upon the path of honor and honest fame. There are bright examples before him, which any man may be proud to follow and to emulate; but the enduring glory of his predecessors has been won by their inflexible justice and public virtue. *“Ex omnibus praeiis virtutis, amplissimum esse premium, gloriam; esse hanc unam, quae brevitatem vitae posteritatis memoria consoleretur; quae efficiat ut absentes adessemus,*

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mortui vivemus; hunc denique esse, cujus gradibus etiam homines in cælum viderentur ascendere."

Mr. LUMPKIN, of Georgia, next took the floor, but gave way for a motion for the committee to rise.

MONDAY, MAY 17, 1830.

THE DUTY ON SALT.

The House resumed the consideration of the resolution offered by Mr. TALIAFERRO, to repeal the duty on salt, the question being on ordering the previous question.

Mr. TALIAFERRO rose, and offered the following as a modification of his original proposition, viz. Strike out the preamble, and all after the word "resolved," and insert the following:

That, from and after the 30th day of September next, the existing duty on salt shall be reduced to — cents per the measured bushel; that, from and after the 30th day of September, 1831, the duty on salt shall be further reduced to — cents per the measured bushel; and that at the end of one year from the period when the public debt of the United States, on which an interest of more than three per centum per annum is payable, shall have been extinguished and discharged, no duty on salt imported into the United States, or the territories thereof, shall be imposed.

Some difficulty arose on the point, whether the call for the previous question, by Mr. TALIAFERRO, on Saturday, had been seconded, (it requires a majority of the House,) before the call of the House which was moved had been decided; and a good deal of conversation took place between the Chair and different members as to the fact—some thinking that the motion had not been seconded, and others that it had. To relieve the House from the embarrassment produced by this uncertainty,

Mr. TALIAFERRO withdrew the modification which he offered to his resolution this morning, and then withdrew his motion of Saturday for the previous question; which having done, he immediately after re-offered his modification, and on its adoption called for the previous question.

Mr. BURGESS thereupon moved a call of the House, and demanded the yeas and nays on the motion; which being taken, the call of the House was negatived: yeas, 70—nays, 112.

Mr. HOFFMAN, of New York, then moved that the resolution be laid on the table, and demanded the yeas and nays on the motion; which being taken,

The motion to lay the resolution on the table was negatived by the following vote: yeas, 87—nays, 97.

Here, the hour for resolutions having expired,

Mr. MARTIN rose [he said] to submit a motion. If the House, or a majority of it, were disposed to do any thing on the subject of the salt duty; if they were sincere in the declarations which they made in regard to it, when before the House as an incidental question, it would be very easy to effect the object of the resolution, by taking up the bill now on the table, containing a provision on the subject; otherwise, it was obvious, from the proceedings, that the minority on this question would have it in their power to defeat the proposition, in its present shape, to the end of the session. He therefore moved that the House take up the bill "to reduce and modify the duties on certain imported articles." [Reported by Mr. McDUFFIE, from the Committee of Ways and Means, on the 5th of February, and ordered to lie on the table.] His object was to have it committed to a Committee of the Whole House. Mr. M. asked leave to add a word of explanation. Some gentlemen might suppose that in moving the consideration of this bill his object was to get up a tariff discussion. That was not his object. The tariff gentlemen might, if they chose, strike from the bill, by acclamation, every provision but that which proposed a reduction of the duty on

salt, if they would agree to take it up, and let it go to a Committee of the Whole House.

Mr. TAYLOR called for the reading of the bill, which Mr. POTTER objected to, but the reading was ordered.

The question was then put on taking up the bill, and decided in the negative by the following vote: yeas, 92—nays, 98.

REMOVAL OF THE INDIANS.

The House then again resolved itself into a Committee of the Whole, Mr. WICKLIFFE in the chair; on the bill for the removal of the Indians.

Mr. LUMPKIN said, his life had never been free from care and responsibility; but, on no former occasion, had he ever felt more deeply impressed with a sense of that responsibility, to God and his country, than he did at the present moment. The obligations which rest on me [said Mr. L.] are common to every member of this House. The great importance which I attach to the decision of this House upon the bill now under consideration, does not arise from any apprehension of material effects being produced in relation to any one of the States who are interested. It is true, your decision will have a strong bearing on their interest; but they have the capacity, to some extent at least, to take care of themselves. But to those remnant tribes of Indians whose good we seek, the subject before you is of vital importance. It is a measure of life and death. Pass the bill on your table, and you save them. Reject it, and you leave them to perish. Reject this bill, and you thereby encourage delusory hopes in the Indians, which their professed friends and allies well know will never be realized. The rejection of this bill will encourage and invite the Indians to acts of indiscretion and assumptions which will necessarily bring upon them chastisement and injury, which will be deplored by every friend of virtue and humanity. I therefore call upon you to avoid these evil consequences while you may. Delay is pregnant with great danger to the Indians; what you do, do quickly, before the evil day approaches.

I differ with my friend from Tennessee [Mr. BELL] in regard to Indian civilization. I entertain no doubt that a remnant of these people may be entirely reclaimed from their native savage habits, and be brought to enter into the full enjoyment of all the blessings of civilized society. It appears to me, we have too many instances of individual improvement amongst the various native tribes of America, to hesitate any longer in determining whether the Indians are susceptible of civilization. Use the proper means, and success will crown your efforts. The means hitherto resorted to by the Government, as well as by individuals, to improve the condition of the Indians, must, from the present state of things, very soon be withheld from these unfortunate people, if they remain in their present abodes; for they will every day be brought into closer contact and conflict with the white population, and this circumstance will diminish the spirit of benevolence and philanthropy towards them which now exists.

I might exhaust what physical strength I have in replying to the gentleman from New York, [Mr. STORAS.] He has consumed much of your time, with his usual ability and ingenuity. It would require an entire speech to defend my own State (Georgia) from the many imputations cast on her by that gentleman and others. I must leave much of this for my colleagues and others who may follow me in this discussion.

The gentleman's doctrines upon the subject of State rights ought to be met and refuted; severe censures cast upon our Chief Magistrate, and his subordinates in office, should be corrected as they deserve, and the Executive defended in his wise, virtuous, and candid course on this subject. But I shall leave much of this for others, and only incidentally pay my respects to the gentleman from New York, and proceed directly to the subject under consideration.

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The bill on your table involves but little that can be considered new principle. The only departure from former principles and practice is to be found in that part which extends greater security and benefits to the Indians.

The whole of my policy and views of legislation upon this subject has been founded in an ardent desire to better the condition of these remnant tribes. At the same time, I freely admit, their interest alone has not guided my action. From the time I became a member of this House, the great object of my solicitude and labor has been to relieve all the States (especially my own) from the perplexities, heart-burnings, conflicts, and strifes which are connected with this Indian subject.

The ground occupied by the gentleman from Tennessee, [Mr. BELL] I shall not again travel over. I never have, nor ever will consume the time of this House by a speech of repetition. Nevertheless, I shall necessarily advert to many of the same points, with a view of corroborating what has been said by my friend from Tennessee in favor of the bill. As one of the Committee on Indian Affairs, I shall not be diverted from what I consider my duty in defending the measures submitted by the committee, by attempting to follow our opponents in their wide range of irrelevant matter and argument.

I am not only identified with this subject, as a member of the Indian Committee, but, as a representative of the people of Georgia, I feel myself bound to defend their rights.

My life has been spent on the border of these southern Indians; I therefore know much which relates to the history of this subject, from my own personal observation. Upon taking my seat as a member of the twentieth Congress, (without delay) I introduced a resolution, which brought this subject, in all its bearings, to the consideration of Congress; and the investigations had upon the subject resulted in providing an appropriation of fifteen thousand dollars to defray the expense of preparing for the emigration of the Indians west of the Mississippi.

My friend from Tennessee [Mr. BELL] having given the details of the exploring tour of the agents of the Government (under this act) who examined the country west of the Mississippi, with a view of ascertaining the quality of the country contemplated for the permanent abode of the Indians, and the report of these agents, I will only say, a suitable and sufficient country was found—a country admirably adapted to the interest and condition of the emigrating Indians. The report of these commissioners is sustained by the corroborating testimony of many highly respectable persons. That there is a good and sufficient country for all the Indians to emigrate to, can no longer be doubted, whatever may be said to the contrary by our opponents.

I will now ask the attention of the committee to the history of Indian emigration. So far as my researches afford information on this subject, I will submit the facts. Emigration commenced with the Indians themselves. Their own enterprise (uninfluenced by the Government) led many individuals of the southern tribes, previous to the year 1808, to remove from the east to the west side of the Mississippi, and there take up their abode. A strong impulse was given to this spirit of emigration by President Jefferson, during his administration. What this impulse was, may be seen by reference to a talk of Mr. Jefferson to the Cherokees, (volume of Indian Treaties, page 140,) inserted in the preamble of the Cherokee treaty of 1817, which preamble is in the following words:

"Whereas, in the autumn of the year 1808, a deputation from the upper and lower Cherokee towns, duly authorized by their nation, went on to the city of Washington, the first named to declare to the President of the United States their anxious desire to engage in the pursuits of agriculture and civilized life in the country they then occupied, and to make known to the President of the United States the impracticability of inducing the nation at large

to do this, and to request the establishment of a division line between the upper and lower towns, so as to include all the waters of the Hiwassee river to the upper towns; that, by thus contracting their society within narrow limits, they proposed to begin the establishment of fixed laws and a regular Government; the deputies from the lower towns, to make known their desire to continue the hunter life, and also the scarcity of game where they then lived, and, under those circumstances, their wish to remove across the Mississippi river, on some vacant lands of the United States: And whereas the President of the United States, after maturely considering the petitions of both parties, on the 9th day of January, A. D. 1809, including other subjects, answered those petitioners as follows:

"The United States, my children, are the friends of both parties, and, as far as can be reasonably asked, they are willing to satisfy the wishes of both. Those who remain may be assured of our patronage, our aid, and good neighborhood. Those who wish to remove, are permitted to send an exploring party, to reconnoitre the country on the waters of the Arkansas and White rivers, and the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouths of those rivers. The regular districts of the Government of St. Louis are already laid off to the St. Francis.

"When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them and you the exchange of that for a just portion of the country they leave, and to a part of which, proportioned to their numbers, they have a just right. Every aid towards their removal, and what will be necessary for them there, will then be freely administered to them; and, when established in their new settlements, we shall still consider them as our children, give them the benefit of exchanging their peltries for what they will want at our factories, and always hold them firmly by the hand."

Thus we see a deputation of Cherokees, as early as the year 1808, visiting this city, anxiously desiring and imploring the aid of President Jefferson to enable them to emigrate and settle in the very country where a great portion of them now reside, and where we have procured a most excellent and ample country for the remainder. Those who have emigrated are delighted with their new homes, and most of their brethren who remain in the States would gladly improve their present condition by joining them; but their lordly chiefs, of the white blood, with their northern allies, "will not let the people go." Notwithstanding the signs of the times, the hearts of these rulers have been hardened again and again.

These movements on the part of the Cherokees, without urgency or solicitation on the part of the Government, have resulted in the treaties of 1817 and 1828, providing, as before pointed out, an ample and permanent home for the whole of the Cherokees. Under the provisions of these treaties they have been going, and will continue to go, until not a real Indian will be left behind. "Hinder me not," will be their language, when they are permitted to express their own feelings, unawed by the tyrannical enactments of their mixed blooded chiefs.

With the Choctaws and Creeks, treaties have also been made, assigning to them countries west of the Arkansas and Mississippi. The Creeks have been flocking to theirs, and it is satisfactorily ascertained that they would all go, if the means contemplated in this bill should be afforded to the Executive.

The whole of the Choctaws are not only willing to go, but are actually preparing to go, and have submitted their terms, in the form of a treaty, to the proper department of the Government. The Chickasaws have no country yet provided for them in the West, but are anxious to emigrate thither, if they can obtain a suitable country.

The Seminoles of Florida are also desirous to join

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their Creek brethren in the West, if they can obtain land. The Indians in Illinois, Ohio, and Indiana have been emigrating for many years past, and the cost of their journeys has been paid by the Government, until about two years ago, when the spirit of emigration so far increased the numbers, that the expense became too great to be paid by the means at the disposition of the Executive.

The treaties formed with the various tribes of Indians, providing for their emigration, may be found in the volume of treaties compiled under the order and direction of Mr. Calhoun, while acting as Secretary of War. That with the Choctaws, of October 18th, 1820, page 166; the treaty with the Shawnees, 7th November, 1825, page 361, provides for an exchange of lands with those residing both in Missouri and Ohio; with the Creeks, 24th January, 1826, page 218; with the Weas tribe, August, 1820, page 261; with the Kickapoos, 30th August, 1819, page 265; with the same tribe, 30th July, 1819, page 268.

I had intended to read extracts from all these treaties, but I find that my time and strength both admonish me to be brief. I have therefore given a reference to the book, the treaty, and the page, and every gentleman can read for himself.

I can only say that I am greatly surprised to hear the opponents of the proposed policy, in the face of the records, laws, and treaties of the country, speak of the proposed measure as being novel—as being a change of policy in our Indian relations, and as being fraught with danger and ruin to the Indians. I feel assured, if the good people who have been memorializing us through the winter were in possession of the facts which are within the reach of every member of this committee, they would change their politics, and unite with the friends of Indian emigration.

I have heard much complaint that we are progressing in the removal of the Indians, without any systematic plan for their security and government when they get into the possession of their new homes. This objection comes from our opponents; but I confess I agree with them, to a limited extent. I would myself greatly prefer going the whole amount at once. Nevertheless, I discover that every step we advance in carrying out our plan, the more violent is the opposition. The bill on your table, sir, goes much further in providing for, and pointing out, the landmarks of an entire and complete system, than any measure heretofore acted upon in Congress, and yet we find opposition increases.

If those who wish to see an entire system presented, will refer to Mr. Monroe's message of the 27th of January, 1825, page 453, volume of Indian Treaties, and also to Mr. Calhoun's report, accompanying that message, they will find the great outline of the plan laid down. In that message, Mr. Monroe says: "Being deeply impressed with the opinion that the removal of the Indian tribes from the lands which they now occupy within the limits of the several States and territories to the country lying westward and northward thereof, within our acknowledged boundaries, is of very high importance to our Union, and may be accomplished on conditions and in a manner to promote the interest and happiness of these tribes, the attention of the Government has been long drawn, with great solicitude, to the object. For the removal of the tribes within the limits of the State of Georgia, the motive has been peculiarly strong, arising from the compact with that State, whereby the United States are bound to extinguish the Indian title to the lands within it, whenever it may be done peaceably and on reasonable conditions. In the fulfilment of this compact, I have thought that the United States should act with a generous spirit; that they should omit nothing which should comport with a liberal construction of the instrument, and likewise be in accordance with the first rights of those tribes. From the view which I have taken of the subject, I am satisfied that, in the discharge of these important duties, in regard to both the parties

alluded to, the United States will have to encounter no conflicting interests with either. On the contrary, that the removal of the tribes from the territory which they now inhabit, to that which was designated in the message at the commencement of the session, which would accomplish the object for Georgia, under a well digested plan for their government and civilization, which should be agreeable to themselves, would not only shield them from impending ruin, but promote their welfare and happiness. Experience has clearly demonstrated that, in their present state, it is impossible to incorporate them in such masses, in any form whatever, into our system. It has also demonstrated, with equal certainty, that, without a timely anticipation of, and provision against, the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their degradation and extermination will be inevitable."

Such were the opinions of President Monroe, in 1825, supported by an able report, going into an important detail, appertaining to every branch of the system proposed by Secretary Calhoun. I will give the following short extract from the report: "There are now, in most of the tribes, well educated, sober, and reflecting individuals, who are afflicted at the present condition of the Indians, and despondent at their future prospects. Under the operation of existing causes, they behold the certain degradation, misery, and even final annihilation of their race, and, no doubt, would gladly embrace any arrangement which would promise to elevate them in the scale of civilization, and arrest the destruction which now awaits them."

Mr. Adams, with great force of argument, while President of the United States, sustained these doctrines and opinions. His two secretaries, Governor Barbour and General Porter, with great ability, repeatedly enforced the same doctrines and principles, to their full extent, which may be seen and read, by referring to the State papers which are on the files of this House, and are always accessible to the members of Congress. I therefore admonish every gentleman of this committee, who may be opposed to this measure, to deal fairly with his constituents, and inform them that this is no new measure, emanating from President Jackson and the Georgians, but that it is a measure tested by many years' experience, and that it has received the sanction and support of the wisest and best men of the age.

Jefferson gave to it the first official impulse; Madison, Monroe, Adams, Jackson, Calhoun, Barbour, Porter, Eaton, and a majority of the Senators and Representatives of the people of this great confederation of States, have, in their official capacities, repeatedly sustained the principles and policy of the bill on your table. This declaration is fully supported by the talks, treaties, laws, messages, and reports, to which I have already called the attention of the committee. It has not only been devised and sustained by the ablest statesmen of the country, but has received the approbation of a very large portion of the wise and the good throughout our country. Our most enlightened superintendents and agents of Indian Affairs have all become converts to Indian emigration; our most pious and candid missionaries have also added their testimony in our favor.

One of the most devoted and pious missionaries (the reverend Isaac McCoy) with whom I am acquainted, has said, "What plan will most likely be successful in accomplishing the reformation of the Indians?" He answers: "Without ceremony, I offer for consideration the plan recommended to the wisdom of Congress by Mr. Monroe, late President of the United States." The same gentleman says: "We are well aware of some formidable obstacles opposed to the removal of the Indians. The obstacles to which we allude will not derive their origin or their support from the Indians themselves, but both will be found in the avarice of white men, near to, and mingling with, the In-

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dians, whose interest it is for the natives to remain where they are, and in their present condition." "I deeply regret the necessity of mentioning this circumstance, but justice to my subject, to the Indians, and to my own conscience, demands it of me. We may prepare to encounter a host of opposers, consisting of traders, both licensed and unlicensed, many of them speaking the Indian language fluently, and in habits of daily intercourse with them, often allied by marriage, and otherwise by blood; and from many others who profit more or less by a commission from our Government, for the performance of services in the Indian Department. Remove the Indians, and the fountain fails.

"Some estimate of the difficulties arising from this quarter may be formed on considering the influence which the number of those interested persons, under their favorable opportunities, may exert on the minds of these ignorant, uninformed people, whose prejudices against us are generally inveterate, and whose jealousies are ever on the alert; considering, also, that, in the transacting of business, Government has been under the necessity of availing itself of the services of those very persons. The story requires much delicacy in the telling, and perhaps has never been, nor will it now be plainly told, that scarce a treaty with the Indians occurs, in which the commissioners of the United States are not obliged to shape some part of it to suit the convenience of some of this class of persons."

This same worthy missionary says: "Societies and their missionaries should carefully guard against what we may term high coloring. We are naturally fond of telling the more favorable parts of the story, and rather desire the unfavorable parts to sink into oblivion. I could readily point to statements respecting missionary operations, which approximate this character too nearly; but I deem it sufficient to mention this general and undoubted fact, viz. A man in Europe, by reading the whole of our missionary journals, narratives, reports, &c. would be apt to suppose the success of our labors was such that the aborigines of our country were rapidly improving their condition, both in respect to christianity and civilization. How would such a one be disappointed, on visiting these regions, to find that, instead of improvement in general, they are rapidly decreasing in numbers, and perishing under their accumulating misfortunes. Both societies and missionaries are blameable in this thing. The latter claim a pretext from the peculiarities of their situation. The views of the community in general, in relation to the true condition of the Indians, their character, and the character of missionary labors among them, being erroneous, missionaries find great difficulty in managing those impressions which influence their patrons as well as other people. Few indeed are prepared for that tedious process which is usually unavoidable in the work. If a missionary is not able to state, in a tolerable degree, what would be deemed by his patrons evidence of success, and in a pretty short time, too, after he has commenced his labors, his supporters are liable to grow impatient, and to imagine the existence of some defect in him or his management."

I ask special attention to the foregoing extracts, as well as to the source from which they are taken. They are the deliberate opinions of one of our most experienced, pious, and persevering missionaries. Yes, sir, this comes from one who is resolved to devote his whole life in sustaining the missionary cause amongst the native Indians of his own country.

Having given an outline of the origin and progress of Indian emigration, and the support and favor which it has received from most of our distinguished statesmen and patriots, I now say, the experiment has been sufficiently tested, to induce a large majority of the people of this Union ardently to desire its consummation. If it be inquired how I arrive at this conclusion, I answer, from the best index to public opinion—the press. At the present day,

the press in our country is resorted to by every class of the community, civil and religious, to disseminate their opinions. The press seems to keep pace with the formation of new societies; and we bid fair to outstrip any people in the world in the number and variety of our societies. Every new society seems to be resolved to have a printing press; and I regret to see so many of these new societies—established, no doubt, from good motives, throwing their support, on many occasions, into the scales of political demagogues. Men the most profligate often become the dictators of all the influence that these well-meaning people can bring into operation. Well, sir, if the press be the best index to public opinion, the people of this country are with us. I do not mean to be understood, that more printing is done on our side than on the side of our opponents. No, sir, they greatly exceed us in quantity; but their printing is confined to a limited circle. I invite your attention to the tone of the press on this subject, in all the different sections and neighborhoods of the whole country. Even in those sections of the Union where we meet with the most violent opposition, the best half of the press, political and religious, is on our side, and I entertain no doubt but the people in these sections give tone to the press. It is true, a combined few, from selfish and political considerations, have been led to great exertions, in the fashionable mode of the day, in getting up opposition to this measure. We have been inundated with memorials, pamphlets, and speeches, made at society and town meetings. But, sir, let it be remembered that weak minorities always make the most noise. Contented majorities, conscious of their strength, are never found praying for a redress of grievances. Suppose, for a moment, that portion of the population of the Union north and east of this place to be equally divided on this question; the entire South and Southwest, with the exception of a few aliens to their own interest, are in favor of this measure; and I have no hesitancy in arriving at the conclusion, that much the larger portion of the religious community will be found on our side of the question, notwithstanding the denunciations and anathemas which have been pronounced against us. This proceeds from a few leading religionists of the new concert sect, or that class of philanthropists who are going up and down in the land seeking whom they may devour. The two wide-spread denominations, the Baptist and Methodist, with whom I have had an extensive and intimate intercourse through my whole life, I am sure, will never lend themselves, in a united manner, as religious bodies, to aid political factions or designing demagogues. No, sir, these denominations were sufficiently tested during the late war. They stood by their country in the field of battle, and breasted the storm of war. They could pray for you in their closets and their pulpits, without the fear of incurring Divine displeasure.

One of these denominations (I mean the Baptist) have, through their organs, the officers of their religious boards, conventions, and associations, for years past, at every session of Congress, reminded you of the interest they feel and the labors they have bestowed towards the great object of Indian civilization. Moreover, they have expressed their convictions, that your emigration plan afforded the best and most permanent prospect of success to their missionary efforts. Sir, no religious denomination in this country, as such, will be found unitedly giving themselves up into the hands of political men, to aid in the objects of political faction. It would be too tedious to name all the various sects of our country; but, having named one or two, I avail myself of this opportunity of saying, I have great respect for most of the denominations in our country, and have no unfriendly feelings to any. I wish them all prosperity in all their attempts to benefit mankind.

Our good and worthy Quaker friends, who have been memorializing us on this subject, will all come right as soon as their misapprehensions are corrected. When they

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ascertain that Georgia and President Jackson are by no means the advocates of war, famine, and pestilence, they will take us by the hand, and join us in advancing measures of kindness, benevolence, and good-will towards the Indians. Sir, I am not afraid to trust the Quakers. The religious people of this country are in the full enjoyment of religious liberty. It is all that the truly pious want. They want no "christian party in politics." I profess to admire that active spirit of christian benevolence which has done so much for our common country, in the cause of letters and morality. That religion which carries its saving influence into families, congregations, and society in general, adorns its professors.

The religious opposition to this measure is not confined to any particular sect, unless we give a new name to a religious party in politics—a party which has some recruits from many, if not all, the different sects of the country. It is this new sect of concert brethren, against whom I direct my censures. These canting fanatics have placed themselves, upon this Indian question, behind the bulwarks of religion, and console themselves with the belief that the Georgians, whom they have denounced as atheists, deists, infidels, and sabbath-breakers, laboring under the curse of slavery, will never be able to dislodge them from their strong position. Sir, I therefore feel that I stand pledged in duty to my constituents, to show to this House, and to the world, that these intermeddlers and disturbers of the peace and harmony of society have no just claims to the protection of that impenetrable fortress in which they have hitherto found refuge and protection. I rely with entire confidence upon those who carry the keys of this fortress; they will deliver up the guilty, to be dealt with according to law and justice. "By their fruit ye shall know them."

Sir, before I pursue the course of the opposition any further, I will remark, that I have so far confined myself principally to that part of the subject which relates to the interest of the Indians; but there are other interests which are entitled to a share of your consideration. The State of Georgia, one of whose representatives I am, has, from my infancy till this day, been struggling with perplexing difficulties, strifes, and heart-burnings, upon the subject of her Indian relations. Yes, sir, amongst my earliest recollections are the walls of an old fort, which gave protection to the women and children from the tomahawk and scalping knife of the Indians. And let me inform you, that, while the Indians have receded thousands of miles before the civilized population, in other sections of the Union, the frontier of Georgia has comparatively remained stationary. My present residence is not more than one day's travel from the place of the old fort to which I alluded. It is but part of a day's travel from my residence to the line of the Cherokee country.

In entering upon this branch of my subject, I find it necessary to summon up all the powers of philosophy, to restrain feelings of indignation and contempt for those who are at this time straining every nerve and using every effort to perpetuate on the people whom I represent the evils which they have borne for so many years; and whatever has, or may be said to the contrary, I do verily believe that no other State of this Union would have submitted, with equal patriotism, to the many ills and wrongs which we have received at the hands of those who were bound by the strongest human obligations to aid in relieving us from Indian perplexities, give us justice, and assist in the advancement of our peace, happiness, and prosperity.

Georgia, sir, is one of the good old thirteen States; she entered the Union upon an equal footing with any of her sisters. She claims no superiority, but contends for equality. That sovereignty which she concedes to all the rest, and would at any time unite with them in defending from all encroachment, she will maintain for herself. Our social

compact, upon which we stand as a State, gives you the metes and bounds of our sovereignty; and within the limits therein defined and pointed out, our State authorities claim entire and complete jurisdiction over soil and population, regardless of complexion.

The boundaries of Georgia have been defined, recognised, and admitted, by circumstances of a peculiar kind. Her litigations in relation to boundary and title to her soil may justly be considered as having been settled "according to law." Her boundaries are not only admitted by her sister States, but by this General Government; and every individual who administers any part of it, executive or legislative, must recollect that the faith of this Government has stood pledged for twenty-eight years past, to relieve Georgia from the embarrassment of Indian population. It is known to every member of this Congress, that this pledge was no gratuity to Georgia. No, sir, it was for and in consideration of the two entire States of Alabama and Mississippi.

I feel disposed to pity those who make the weak and false plea of inability, founded on the words "reasonable and peaceable," whenever I hear it made. Such pettifogging quibbles deserve the contempt of a statesman. No man is fit to be a Congressman, who does not know that the General Government might, many years ago, upon both reasonable and peaceable terms, have removed every Indian from Georgia.

But, sir, upon this subject, this Government has been wanting in good faith to Georgia. It has, by its own acts and policy, forced the Indians to remain in Georgia, by the purchase of their lands in the adjoining States, and by holding out to the Indians strong inducements to remain where they are; by the expenditure of vast sums of money, spent in changing the habits of the savage for those of civilized life. All this was in itself right and proper; it has my hearty approbation; but it should not have been done at the expense of Georgia. The Government, long after it was bound to extinguish the title of the Indians to all the lands in Georgia, has actually forced the Cherokees from their lands in other States, settled them upon Georgia lands, and aided in furnishing the means to create the Cherokee aristocracy.

Sir, I blame not the Indians; I commiserate their case. I have considerable acquaintance with the Cherokees, and amongst them I have seen much to admire. To me, they are in many respects an interesting people. If the wicked influence of designing men, veiled in the garb of philanthropy and christian benevolence, should excite the Cherokees to a course that will end in their speedy destruction, I now call upon this Congress, and the whole American people, not to charge the Georgians with this sin; but let it be remembered that it is the fruit of cant and fanaticism, emanating from the land of steady habits, from the boasted progeny of the pilgrims and puritans.

Sir, my State stands charged before this House, before the nation, and before the whole world, with cruelty and oppression towards the Indians. I deny the charge, and demand proof from those who make it.

I have labored, as one of your committee, day and night, in examining every thing which has any connexion with the history of this subject. Amongst other duties, we have examined all the various laws of the colonial and State Governments in relation to the Indians. The selection made and submitted, has long since been in the hands of every gentleman of this House. Let the laws of other States be compared with those which are the subject of complaint, and it must then be admitted by every candid man that the States complained of stand pre-eminent in humanity, mildness, and generosity, towards the Indians.

Georgia, it is true, has slaves; but she did not make them such; she found them upon her hands when she became a sovereign State. She never has, by her legislation, changed the state of freedom to slavery. If she has ever

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owned an Indian slave, it has never come to my knowledge; but more than one of the other States of this Union have not only reduced Indians to a state of slavery, but have treated them as brutes, destitute of any human rights—depriving them of their own modes of worshipping Deity—hunting them as wild beasts for slaughter—holding out rewards for their scalps, and even giving premiums for the raising of a certain breed of dogs, called bloodhounds, to hunt savages, that they might procure their scalps, and obtain the reward offered by Government for them. Sir, compare this legislation with that of Georgia, and let the guilty be put to shame.

Should I be censured for going to the history of past times—a century or two back; should I be accused of visiting the sins of the fathers on the children, permit me to say, I hold in my hand a pamphlet, recently published in Boston, and said to have been written by the chief secretary of the new sect, who is also said to be the author of “William Penn;” and those who will read this pamphlet, written at the present day, will perceive a more savage, superstitious, and diabolical spirit, than was ever possessed by the authors of the pow-wow, scalping, slave, and dog laws. I will give you a few extracts from this pamphlet, which purports to be an article copied from the American Monthly Magazine, page 14.

“The Indians had better stand to their arms and be exterminated, than march farther onwards to the Pacific, in the faith that the coming tide of civilized population will not sweep them forever until they mingle in its depths. Better thus than remain to be trampled as the serfs of Georgia, to have their faces ground by the pride and oppressions of their slave-holding neighbors, to be exterminated by the more powerful, and not less sure, though slower operation of the vices of the whites.” “God forbid that the prayers which have ascended for the Indians, and the exertions which may be made in their behalf, should fail; it would be better that half the States in the Union were annihilated, and the remnant left powerful in holiness, strong in the prevalence of virtue, than that the whole nation should be stained with guilt, and sooner or later disorganized by the self-destroying energies of wickedness. We would rather have a civil war, were there no other alternative, than avoid it by taking shelter in crime; for besides that, in our faith, it would be better for the universe to be annihilated, than for one jot or tittle of the law of God to be broken, we know that such a shelter would only prove the prison house of vengeance and despair. We would take up arms for the Indians, in such a war, with as much confidence of our duty, as we would stand with our bayonets on the shores of the Atlantic, to repel the assaults of the most barbarous invader. Perhaps we do wrong to make even the supposition: for it can never come to this. But, let any thing come upon us, rather than the stain and the curse of such perfidy as has been contemplated. Let the vials of God’s wrath be poured out in plague, and storm, and desolation; let our navies be scattered to the four winds of heaven; let our corn be blasted in the fields; let our first-born be consumed with the stroke of the pestilence; let us be visited with earthquakes, and given as a prey to the devouring fire; but let us not be left to commit so great an outrage on the law of nations and of God; let us not be abandoned to the degradation of national perjury, and, as its certain consequence, to some signal addition of national woe. Let us listen to the warning voice which comes to us from the destruction of Israel.”

The pamphlet from which I have read contains seventy-two pages, and is interspersed throughout with a spirit corresponding with what I have read. Sir, shall I express my surprise at this “Christian party in politics,” who condemn all their brethren who will not unite with them in all their machinery of societies and schemes for governing public opinion in this land of freedom? or shall I remember that if the wicked one himself can assume the form of an

angel of light to deceive and effect his diabolical purposes, then we need not be surprised to see the children walking in the footsteps of their parents? The fallacious matter contained in this pamphlet, and its senior brother, “William Penn,” we shall find to be the strong ground relied upon here. Our opponents here will be found in close union with these concert brethren. And here it is, sir, for the first time, we find any thing like a tangible form in the opposition to Indian emigration, sustained and encouraged as it has been by every administration, from President Jefferson to Mr. Adams, inclusive; we have never before seen a concerted and united opposition, nor has any individual, who had any pretensions to the first honors of the country, heretofore ventured to oppose this system.

In the course of the last year, the numbers over the signature of “William Penn” appeared in the National Intelligencer, and, although said to be written by a very pious man, deeply merged in missionary efforts, they evidently have much more of the character of the politician and lawyer than that of an humble missionary. At the proper moment for effect, too, we see the distinguished orator of the West, he who once filled the chair which you now occupy, entering upon this subject with his usual zeal and ingenuity. This Indian subject was introduced into one of his set speeches, professedly on the subject of African colonization. But the two subjects are adroitly blended together, and were designed as a cutting philippic upon President Jackson and his administration, and, at the same time, admirably calculated to organize his political co-workers in every part of the Union. I was not surprised at his expressions of deep feelings of interest for the suffering sons of Africa and the forest. It was to be expected from a popular speech-maker. But I confess the pious part of his address shocked my better feelings. If I had been ignorant of the gentleman’s character, I should really have considered him a preacher of righteousness, deeply imbued with the spirit of the age!

Where do you find one solitary opponent of President Jackson in favor of the measure on your table? I do not know one. Sir, I have tried to prevent party considerations from operating on this question; but our opponents are an organized band; they go in a solid column. The friends of the administration are by no means united upon many subjects of general policy; each one thinks and acts for himself; but shall our differences upon other subjects operate upon our judgments in making up an opinion upon this important subject? Your attention has been called to it in the forcible language of truth, by your venerable Chief Magistrate. It is sustained by reason, experience, humanity, and every consideration of wise policy. It is a measure of great importance to the interest, peace, and harmony of many of the States; and to the poor afflicted and perishing Indians, it is a measure of salvation. No man living entertains kinder feelings to the Indians than Andrew Jackson. If any President of the United States has deserved the appellation of friend and father to the Indians, it is him who is now at the helm. Having been the instrument of the Government to chastise them in times that are gone by, so far as to bring them to a knowledge of their true condition and duty, he is the better qualified to sympathize with them in all their afflictions. He not only is, but has long been, their true friend and benefactor. This opposition is not to the policy proposed, but to the man who recommends it. I, therefore, trust his friends will not be found in the ranks of the enemy. I trust in God, more are they who are for us, than those who are against us. The opposition reminds me of Jonah’s gourd, which sprung up in a night and perished in a day. It could bear the light and heat of but a single day, because there was a canker at the root. The present opposition cannot stand before the light of truth, reason, and sound policy—it will soon pass away.

Upon this question, our political opponents have availed

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themselves of the aid of enthusiastic religionists, to pull down the administration of President Jackson. Sir, pure religion will aid and strengthen any cause; but the undefiled religion of the cross is a separate and distinct thing, in its nature and principles, from the noisy cant of these pretenders, who have cost this Government, since the commencement of the present session of Congress, considerably upwards of one hundred thousand dollars by their various intermeddlings with the political concerns of the country. Who compose this "Christian party in politics," here and elsewhere? Are they those individuals who are most distinguished for morality and virtue? I will leave these questions to be answered by others, and pass on to some further notice of the Boston pamphlet, from which we shall, no doubt, have many quotations before we get through this discussion.

It is the statements found in these pamphlets and magazines, which are relied on as truth, that have induced so many worthy people at a distance to espouse the cause of Indian sovereignty, as assumed by the Cherokees. The general condition of the Cherokees, in these publications, is represented as being quite as comfortable and prosperous—yes, sir, and as enlightened, too, as the white population in most of the States. Compare the pictures drawn by these pamphlet writers and memorialists of the concert school, in which they have painted Georgia on the one side, and the Cherokee sovereignty on the other. From these publications, not only the stranger in a foreign land, but the honest laboring people of New England, who stay at home, and would mind their own business if let alone by these canting fanatics, verily believe that the Georgians are the worst of all savages; that they can neither read nor write; that they are infidels, deists, and atheists; and that they never hear a gospel sermon, except from a New England missionary. Upon the other hand, they are taught to believe that the Cherokee Indians are the most prosperous, enlightened, and religious nation of people on earth—except, indeed, the nation of New England. These Boston writers are not a people who work for nothing and find themselves. No, sir, I entertain no doubt but they are well paid for all "their labors of love" in the cause of Cherokee sovereignty.

The Cherokees receive large annuities from this Government; they have a rich treasury, and their northern allies understand giving a saving direction to their financial disbursements. These northern intruders are numerous and influential among the Cherokees. One religious board to the North (of whom "William Penn" is chief secretary) furnishes the southern tribes of Indians with upwards of twenty stationary missionaries, besides superintendents, mechanics, &c. &c. chiefly composed of our northern friends. No doubt, sir, but President Ross himself, with all his official subordinates, has long since found it expedient to yield the chief control of the purse and the press (which you know are said to be the strength of nations) to his more skilful and eagle-eyed friends and allies. But for these annuities, we should not have been encumbered, throughout the session, with memorials from Maine to Steubenville, in Ohio. These self-interested reporters of the state and condition of the Cherokee Indians tell you they are already a civilized and christianized people. Abounding in the necessary comforts of domestic and agricultural life, their civil, political, and religious advancement is ostentatiously compared with the whites in some of the States; and, for proof of their statements, they refer you to their hiring letter writers, and their magazines and newspapers; and the statements drawn from these sources are relied on by a certain portion of the community, in and out of this House, in preference to any testimony, whatever may be the merit of the source from which it emanates. Now, sir, I will tell you how far these statements are to be relied upon. I have carefully and repeatedly examined all these magazine and pam-

phlet publications. They contain a great deal of truth, but not the whole truth, and nothing else but the truth. These publications remind me of a long exploring tour which I made to the West near twenty years ago. On my return home, my friends and neighbors called in, to hear the news from the western country. I described to them the rich and fertile lands of the Mississippi, its bountiful productions, &c.; and before I had got through with the good things, they said, "It is enough, let us all remove to the good country." But when I told them of the evil things, and gave them the whole truth, they changed their hasty opinions, and concluded it would be best to remain in their beloved Georgia. Sir, the application of this story is easy—every gentleman can make it for himself. But I promised to inform you how far these magazine statements were entitled to credit; but, before I begin, I will refer you to my list of witnesses. They may be found amongst the Senators and Representatives of the present Congress, from the States bordering on the Cherokee country. I could multiply testimony to bear me out in all that I have or shall say on this subject; but, in law, we consider every word established by the corroborating testimony of two or three witnesses. I admit, we do find in the Cherokee country many families enjoying all the common comforts of civil and domestic life, and possessing the necessary means to secure these enjoyments. Moreover, we find a number of schools and houses built for religious worship. Many of these comfortable families, too, are composed of natives born in the Cherokee country. But the principal part of these enjoyments are confined to the blood of the white man, either in whole or in part. But few, very few of the real Indians participate largely in these blessings. A large portion of the full blooded Cherokees still remain a poor degraded race of human beings. As to the proportion that are comfortable, or otherwise, I cannot speak from my own personal knowledge with any degree of certainty; but, from what I have seen, I can readily conclude that but a very small portion of the real Indians are in a state of improvement, whilst their lords and rulers are white men, and the descendants of white men, enjoying the fat of the land, and enjoying exclusively the Government annuities, upon which they foster, feed, and clothe the most violent and dangerous enemies of our civil institutions.

While the smallest intrusion (as it is called) by the frontier citizens of Georgia on the lands occupied by the Cherokees, excites the fiery indignation of the fanatics, from one end of the chain of concert and coalition to the other, do we not find an annual increase of intruders, from these philanthropic ranks, flocking in upon the poor Cherokees, like the caterpillars and locusts of Egypt, leaving a barren waste behind them? Yes, sir, these are the intruders who devour the substance which of right belongs to the poor perishing part of the Cherokees. They divide the spoil with the Cherokee rulers, and leave the common Indians to struggle with want and misery, without hope of bettering their condition by any change but that of joining their brethren west of the Mississippi.

The inhumanity of Georgia, so much complained of, is nothing more nor less than the extension of her laws and jurisdiction over this mingled and misguided population who are found within her acknowledged limits. And what, I would ask, is to be found in all this, that is so very alarming? Sir, I have endeavored to tear the mask from this subject, that the character and complexion of this opposition might be seen and known. The absolute rulers of the Cherokee country, like other men, love office, distinction, and power. They are enjoying great and peculiar benefits. They do not like the idea of becoming private citizens. It is with great reluctance they yield up their stewardship. They know they have not been faithful to the interest of the poor degraded Indians. They know the great mass of their people have been left to suffer in want and igno-

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rance, whilst they have spent their substance in forming foreign alliances with an enthusiastic, selfish, and money-loving people. These men, when incorporated into the political family of Georgia, cannot calculate on becoming at once the Randolpchs of the State. And if they join the western Cherokees, they cannot carry with them their present assumed sovereignty and rule. They will there find equals in many of their pioneer brethren. The Cadmus of the Cherokees, George Guess, and many others, are already there. Yes, sir, these western Cherokees are in the full enjoyment of all the blessings of their emigrating enterprise, and there is but one opinion among them as to their relative comfort, and prospect of future blessings. All the various emigrants to the West so far agree as to authorize the assurance that no inducement could be offered to them strong enough to bring them back again. The Cherokees and Creeks are charmed with their country, and to the many things which attach to their comfort in it. The New England farmers, who have emigrated to the fertile valleys of the West, would as soon consent to return to the barren sand and sterile rocks of their native land, as a western Cherokee or Creek would return to the sepulchre of his forefathers.

Pages may be filled with the sublimated cant of the day, and in wailing over the departure of the Cherokees from the bones of their forefathers. But if the heads of these pretended mourners were waters, and their eyes were a fountain of tears, and they were to spend days and years in weeping over the departure of the Cherokees from Georgia, yet they will go. The tide of emigration, with the Indians as well as the whites, directs its course westwardly.

I am apprised, sir, that principles of natural law and abstract justice have been appealed to, for the purpose of sustaining the pretensions of the Cherokee Indians. Whatever doctrines may have been advanced by theoretical writers upon this subject, the practical comment of all nations will sustain the doctrines contained in the message of President Jackson, at the commencement of the present session of Congress, which reads as follows:

"The condition and ulterior destiny of the Indian tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy; and the Indians, in general, receding farther and farther to the West, have retained their savage habits. A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent Government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

"Under these circumstances, the question presented was, whether the General Government had a right to sustain those people in their pretensions. The constitution declares that "no new State shall be formed or erected within the jurisdiction of any other State," without the consent of its Legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent Government to establish itself

there. Georgia became a member of the confederacy which eventuated in our Federal Union, as a sovereign State, always asserting her claim to certain limits, which, having been originally defined in her colonial charter, and subsequently recognised in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent Government within their State? And, unless they did, would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders to declare itself an independent people, under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And, if they were so disposed, would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed, and that it has become a part of its duty to aid in destroying the States, which it was established to protect.

"Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent Government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi, or submit to the laws of those States.

"Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain, until some of the tribes have become extinct, and others have but remnants to preserve for a while their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States, whose limits they could not control. That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitutional power. But the people of those States, and of every State, actuated by feelings of justice and regard for our national honor, submit to you the interesting question, whether something cannot be done, consistently with the rights of the States, to preserve this much injured race.

"As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it; each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of Governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes.

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There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this Government.

"This emigration should be voluntary: for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States, they must be subject to their laws. In return for their obedience, as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will, ere long, become merged in the mass of our population."

The extract from President Jackson's message, just read, is an unanswerable speech in favor of the entire measure on your table. Moreover, short as it is, it contains an irrefutable argument against every thing which can be devised by the ingenuity of our opponents upon this subject. They may theorize upon the subject, as to what ought and what might have been done in relation to the Indians; they may calmly look on, and advise those who are in pain to be easy and quiet; they may give lectures upon morality, humanity, and benevolence, by an imaginary state of things which does not exist; but the President of the United States, with his usual practical good sense, takes up the subject as it actually exists, points out the course which should be pursued as best calculated to benefit the Indians as well as the States; and tells you plainly, no other alternative is left, that will not terminate in the destruction of the Indians, as well as the rights and sovereignty of the States.

Yes, sir, good and evil are placed before you. The only hope of the salvation of the Indians is in your hands. Their destiny is suspended by a single thread. God forbid that I should ever be so far infatuated by party prejudice, for or against any man or set of men, as to be induced to use my influence to destroy the remnant of the sons of the forest, or jeopardize the best interests, the peace, harmony, and prosperity of any of the States or territories of this Union. Sir, I never shall enter the partisan list, to such an extent. I love my friends, but I love my country more.

It gives me pain to be under the necessity of making the allusions which I have done, to individuals, societies, and sections of our country. I would gladly have avoided it; and nothing but a sense of duty could have influenced me to expose the opposition to this measure as I have done. I hope, however, that the spirit and intention of my remarks will not be misconstrued. I entertain no hostile or unfriendly feelings toward any human being. Every thing that deserves approbation or admiration, in every section of my whole country, is dear to my heart. I have not travelled out of the path of my duty to commence attacks on any individual or community, but, without intimidation, I have acted on the defensive. This, sir, was due to my constituents, as well as myself.

Having said so much in regard to the President's message, I will return to the elementary writers upon natural law, but shall give no quotations from, or comment on what they have written. I merely refer to them for the purpose of saying, I think a fair, practical comment upon those laws, so far as they relate to the subject under consideration, may be found in the history of the colonial, State, and General Governments of this country. If this proposition be admitted, it is visionary to suppose that Indian claims can be sustained to large tracts of country, in which they have neither dwelt nor made improvements,

merely because they have seen them from the mountain, or passed them in the chase.

In all the acts, first by the colonies, and afterwards by the State Governments, the fundamental principle, that the Indians had no right either to the soil or sovereignty of the countries they occupied, has never been abandoned either expressly or by implication. The rigor of the rule for excluding savages from the soil, to make room for agriculturists, has been mitigated, the earth being intended for the benefit of all mankind. The Indians are secured in a sufficient quantity of the lands they occupy, for every useful agricultural purpose. Hence we find reservations made to the Indians, in most of the old States, as well as the Federal Government. It is believed that no respectable jurist would risk his reputation by contending that a right to land could be maintained before any of our courts, State or federal, where the title has been derived from Indians, unless the lands had been granted or patented by the Federal or State Governments.

The practice of buying Indian lands is nothing more than the substitute of humanity and benevolence, and has been resorted to in preference to the sword, as the best means for agricultural and civilized communities entering into the enjoyment of their natural and just right to the benefits of the earth, evidently designed by Him who formed it for purposes more useful than Indian hunting grounds.

When the Indians in any colony or State were numerous, powerful, and warlike, it has been the practice of all to conciliate them by entering into condescending compacts and treaties, and thus effect by prudence what they were unable to perform by force. By all the old States, except Georgia, this kind of treaty legislation has long since been abandoned, and direct legislation, for the control and government of the Indians, substituted in lieu thereof. The opinion of the Supreme Court, referred to by my friend [Mr. BELL] from Tennessee, I believe is considered and received as orthodox by every State in the Union, in which the distinguished and learned Judge Spencer (now a member of the House of Representatives) declared "that he knew of no half-way doctrine on this subject." If a State has jurisdiction at all, it has complete and entire jurisdiction. The principle upon which jurisdiction is assumed does not admit of division.

Sir, much has been said and written, with a view of maintaining the doctrine of Indian sovereignty; and I admit many of the acts of the General and State Governments may be selected, apart from their general policy, which would seem to afford support to this position. Yet, when we take the whole policy and history of these Governments, as exhibiting an entire system, it must be admitted, they have never hesitated to extend their sovereignty over the Indians in their respective spheres, when it was deemed expedient to bring them under their laws and jurisdiction; unless, indeed, we find this hesitancy in the absence of physical power. Here I will remark that the only reason why any State in this Union has permitted the interference, or sought the aid of the General Government, to take any part in the management and control of the Indian tribes residing within their respective boundaries, has been on account of their physical weakness; and they have, therefore, looked to this Government for that aid and succor, to afford which, it was established by the several States of this Union. Yes, sir, this Government was formed to protect, and not to destroy the State Governments. In all the States, we find, so soon as the Indians were reduced to a condition that no danger was to be apprehended from their power and hostility, the States have invariably taken their Indian affairs into their own hands, and no longer looked to the federal arm for aid.

Upon every branch of this subject, it is necessary constantly to keep in view the distinction between privileges

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and immunities. The States have privileged the General Government to assume the management of very important matters connected with their Indian relations. Yes, sir, the aid of this Government has often been sought in those matters; nevertheless, while the States thus sought and assented to this exercise of power on the part of the General Government, it was from motives of prudent policy and interest. No State of this Union ever saw the time that they would have yielded to this exercise of power, when claimed as a right, and attempted to be enforced contrary to the wishes of the State. It is the same case in regard to the Indians residing in a State. They are privileged, in very many respects, far beyond their rights or immunities. While the population of a State is small, and its territory extensive, large tracts of country are permitted to remain for the use and privilege of the Indians, to hunt and roam from place to place. They are also left to regulate their own affairs according to their own customs, without any interference on the part of the State. But when this state of things becomes changed, as it now has in Georgia, the State is, of necessity, compelled to assert and maintain her rights of sovereignty and jurisdiction.

If the question of the right of Georgia to unqualified jurisdiction within her own limits, is considered as forming any part of the subject under consideration, by implication or otherwise, I think I may, with great confidence, look to this House for a just decision. But should I be disappointed in an American Congress, I will then appeal to the people and States of the Union. Congress have sometimes failed to obey the will of their constituents, and they may do so upon the present occasion. If they do, I look to the unofficial sovereign people, to apply the proper remedy.

My physical strength admonishes me to draw to a close; and but for the peculiar situation in which I stand related to the subject, and the more forcible consideration that the character of Georgia should be vindicated and exculpated from the many aspersions and calumnies cast on her, here and elsewhere, my remarks would have been few, and strictly confined to the subject; but much as I have already said, and desultory as I know my remarks have been, I must beg leave to ask, in the name and behalf of the people of Georgia, a comparison between her laws and proceedings, with those of any one of her sisters of the old thirteen, who achieved the glory of our liberty and independence.

In humanity, forbearance, and liberality towards the Indians, Georgia has no superior, if she does not stand pre-eminent. The prosperity and advancement of the Indians within her boundaries is the theme of Indian history, and the glory of missionary efforts. Volumes have already been written, and sent to every quarter of the globe, to carry the glad tidings of the advancement and reformation of the Georgia Indians. And yet, sir, have you not, from day to day, throughout this long session, seen the provocations teeming upon President Jackson and the Georgians, and a spirit of asperity, rarely witnessed in this or any other country. Martyrdom, the fagot, the flame, and stake seem to inspire the ardent hopes and ambition of our opponents. Sir, Georgia would turn away from such sacrifices; she requires no such immolation to restrain the impetuosity of her citizens from acts of inhumanity and violence towards the Indians, or any other people. If you want any evidence of the generous spirit and liberality of Georgia, turn your eye to the maps which adorn your walls; look upon the two flourishing States of Alabama and Mississippi, (for these States may, to a considerable extent, be considered a donation, on the part of Georgia, to this confederation of States.) It is true, Georgia did, at the time she ceded that territory to the Union, expect to relieve herself thereby of litigation and embarrassments, with which she was harassed, and which were of an unpleasant and perplexing nature, and

her compact with this Government in 1802 secured the pledge and faith of the Federal Government to effect these desirable objects for Georgia. Yes, sir, from the signing of the compact of 1802, Georgia had a right to expect peace and quiet on the subject of the Yazoo speculation, as well as a speedy, reasonable, and peaceable relief from all Indian claims to lands within her borders. But, sir, we have experienced a ten-fold portion of that disappointment which the vicissitudes of fortune bring to man.

What has been the history of the engagements formed by that compact? Let facts answer this question. From that day to this, Georgia has been the subject of unremitted and unmerited abuse. While the claims of the Yazoo speculators were pending before this Government, it was seized upon as a fit occasion, by prejudice and ignorance, to censure and revile Georgia, apparently forgetting the fact that this Government had been a great gainer by the misfortunes of Georgia, and had actually received a hundred-fold for all its troubles and expense in settling and quieting these claims.

Again, sir, from that day to this, whenever the subject of extinguishing Indian title to lands within the limits of Georgia has offered the slightest opportunity for declamation, we have, with deep regret, discovered the same spirit which the gentleman from New York [Mr. STORRS] has manifested upon the present occasion.

But, sir, I will not dwell upon the wrongs of Georgia. It is the province of weakness to complain. We have sought from this Government our rights, in the fulfilment of her engagements with us. They have long been withheld, upon frivolous excuses. We had lost confidence in any appeals which we could make to this Government; that confidence has been restored to the executive branch of the Government, by the course which has been marked out and pursued by our present Chief Magistrate. He has spread his opinions before the nation, in relation to the claims and rights of Georgia, upon the Indian subject. Georgia is now waiting to hear the response of this branch of the General Government. A disposition manifested on your part to make reparation to Georgia for the multiplied wrongs which she has endured, will be grateful to the feelings of every Georgian.

But, sir, arraigned as we are at your bar, we have no supplications to make. We deny your right of jurisdiction. Upon the subject of our sovereignty we fear nothing from your sentence. Our right of sovereignty will not be yielded. If you do not perform your duty, by withholding your opposition to long delayed justice, and fulfil the conditions of your contract of twenty-eight years' standing, I would then advise you to let us alone, and leave us to manage our own affairs in our own way. While I would scorn to be heard in the tone of supplication, in reference to the rights of my constituents, I would, nevertheless, as the sincere and candid friend of the Cherokee Indians, use the language of expostulation in their behalf. The Cherokees, as well as the Georgians, are tired of suspense. A crisis has arrived, which calls for action. Things can no longer remain in their present state.

Some acknowledged competent authority must be sustained, in what is called the Cherokee country. In its absence, we may daily expect to hear of anarchy and blood. It is not only intruders from Georgia, but from various other States, who have recently rushed into the Cherokee country, to avail themselves of the advantages which may be found.

Give your support to the bill under consideration. Hold out no vain and delusive hopes to these sons of the forest. The history of the past gives them strong claims on our sympathy, benevolence, and liberality. Join us in this great effort to save the remnant tribes of the aboriginals. They are a peculiar people. They look back to the time when they were the undisputed masters of this mighty

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continent. They see in the future no reward for ambition or exertion, unless you plant them in permanent homes, where the extended views of their true friends and benefactors may systematically go forward with some prospect of success.

Mr. ELLSWORTH said, he would most cheerfully acquiesce in the proposed appropriation to assist the Indians in their removal, could he believe that this object would be effected in good faith, and according to the unbiassed wishes of the Indians. But he did not believe such would be the fact. Whatever gentlemen may say and feel in this House, [said Mr. E.] in the honest expression of their views, I have no doubt that mercenary motives, in some of the southern and southwestern portions of the country, have had, and still have, an important influence upon this measure. It is advocated upon principles at war with our policy towards the Indians; upon principles which no State in this Union can expect this Government to recognise or sanction. By the compact of 1802 with the State of Georgia, we agreed to extinguish the Indian title to her lands as soon as it could be done "on reasonable terms, and peaceably." In compliance, I should be glad to unite in any proper measures, as being an amicable and honorable mode of settling questions of grave consideration now urged upon us, and as meeting the wishes of several of the States who feel their rights, dignity, and welfare to be involved in the issue. Certainly I shall strive to be faithful to every just expectation of a State. But we must not be faithless to our engagements. Sir, I have no belief that the bill will bring along with it the proposed and desirable effect; and while I am ready to go as far as any gentleman to assist in an honorable removal of the Indians, I cannot do it under circumstances which admonish me that this bill is but a part of a united effort virtually to expel the Indians from their ancient possessions. Some of these circumstances I will lay before the committee. No option is left with the Indians as to their removal, if you pass this bill, consistent with their heretofore acknowledged rights, and such as the faith and honor of this country ought to secure to them.

Before I mention these circumstances, permit me to call the attention of the committee to the true question in debate. This bill proposes a scheme for the removal of all the Indian tribes on the east of the Mississippi to the western wilderness. The sum now to be appropriated, it is admitted, is for a beginning only. None suppose the whole expense will fall short of three millions, and many think it will be more than quadruple that sum. What is the character of this grand scheme? Upon what principles is it urged upon us? It becomes us to examine it narrowly. If it is to operate coercively upon the Indians; if bribery, corruption, and menace are about to make it effectual, as I verily believe will be the fact, we cannot give the funds of this nation to assist in its accomplishment. The question is not so exactly what is the relation between the States and their Indian tribes, as what is the relation of this Government to them. It is not so material what notions Georgia entertains about the original rights of her Indians. She may deny them all if she pleases, and her advocates may contend that it is now too late to inquire into their rights, as distinct and independent; but since we are called upon to accomplish their removal, it is our duty to see that the principles which have hitherto regulated our relations with the Indians, are not denied or abandoned. This Government has settled the character of the Indian tribes—it is too late for her to speculate, if she would, on this subject. The whole history of our Indian Department—the scores of treaties we have made, and the intercourse law of 1791, and now existing as passed in 1802, establish the great fact that this Government has held these tribes to be distinct from the States for all national purposes; nor can we now deny it, without the most manifest injustice to the Indians, and the most glaring disregard

of our solemn engagements. Let others have such systems as they please, we have one established by the practice of every successive year, resting on the eternal principles of justice, and wrought into all our laws on this subject. And, sir, even if we could not have taken the ground which we did at first, and have since maintained, we cannot now deny it, and appropriate our funds, and lend our national arm to subvert it—we are committed. We have invited the Indians to treat with us—to trust us—to put themselves into our hands—and now can we betray them? Can we advance money to carry into effect a system at war with our treaties and our solemn pledges? This is the ground. And though I shall investigate a little first principles, I do contend the friends of the Indians need not go beyond the statutes and records of our own Government to learn the line of duty.

The advocates of removal tell us we cannot interfere with the internal concerns of a sovereign State. The gentlemen from Georgia admonish us that that State has taken her course, and nothing will divert her—that she is sovereign, and will do as she pleases; and they advise us to let her alone. Sir, the difficulty is, she will not let us alone. She says, give us your money; pledge the national treasury to remove the Indians within our borders; and all this she demands of us, by trampling under foot the charters of our plighted faith, and changing completely the principles of our relations with the Indians. She asks too much. She asks what honesty requires us to withhold. I will never give her a farthing upon the principles she assumes—nor can this Government, without exciting the just indignation of this nation, and of mankind.

I will now mention some of the circumstances which show the character and object of this bill.

First, then, the Executive, whose opinion and future course of conduct on this subject, it seems, were well known before his election, applauds Georgia for her great forbearance towards the Indians, and denies their right of self-government and of soil, except to such a portion as they may happen to be in the actual occupation and enjoyment of.

Next, the Secretary of War, in his official communications, labors to prove that they have no rights at all, not even in any portion of the soil; for he asserts they have lost all, and the States have acquired all, by conquest and discovery; and such has of late become the language of Georgia. She openly declared, by her Senate, in 1827, "that the State might properly take possession of the Cherokee country by force, and that it was owing to her moderation and forbearance that she did not thus take possession." Previous to this declaration, a joint committee of the Legislature had made a report, in which they say that the European nations asserted successfully the right of occupying such parts of America as each discovered, and thereby they established their supreme command over it. Again—"It may be contended with much plausibility that there is in these claims more of force than of justice; but they are claims which have been recognised and admitted by the whole civilized world; and it is unquestionably true, that, under such circumstances, force becomes right. Before Georgia became a party to the articles of agreement and cession, (the compact of 1802,) she could rightfully have possessed herself of those lands, either by negotiation with the Indians, or by force; and she had determined, in one of the two ways, to do so; but by this contract she made it the duty of the United States to sustain the expense of obtaining for her the possession, provided it could be done on reasonable terms, and by negotiation; but in case it should be necessary to resort to force, this contract with the United States makes no provision: the consequence is, that Georgia is left untrammelled, and at full liberty to prosecute her rights in that point of view, according to her discretion, and as though no such contract had been made." Truly, this is logic with a ven-

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geance. And we are called upon to sanction these abominable doctrines. They lie, avowedly, at the basis of this fearful measure. May the national council pause upon the brink of this precipice, before every thing is lost in the chasm below.

Another circumstance of admonition is, that an honorable committee of this House have openly declared, in their report made to sustain this bill, that the Indians are mere tenants at will, strictly having no rights to territory or self-government—and that the red men lie at the mercy of the whites, by reason of discovery, conquest, civilization, greater knowledge and power, or christianity, or the like. This is their language on the fifth page: "But in all the acts, first of the colonies, and afterwards of the States, the fundamental principle, that the Indians had no rights, by virtue of their ancient possession, either of soil or sovereignty, has never been abandoned either expressly or by implication." So again: "No respectable jurist has ever gravely contended that the right of the Indians to hold their reserved lands, could be supported in the courts of the country upon any other ground than the grant or permission of the sovereignty or State in which such lands lie." This report goes further than I had supposed intelligent men could go. It really leaves nothing to the Indian. The very soil on which he lives, and where his ancestors lived before him, is none of his, but belongs to the white man.

Nor am I less alarmed to see it so seriously asserted by the committee, that all our Indian treaties are a mere legislative proceeding, and as such alterable at our pleasure. And I am by no means certain that the committee do not mean to say that our treaties and legislative enactments, as far as they rest on any rights of the Indians, are unconstitutional and void. Page 8th, I read—"These treaties were but a mode of government, and a substitute for ordinary legislation, which were from time to time dispensed with, in regard to those tribes which continued in any of the colonies or States until they became enclosed by the white population." If these treaties are not binding to their full extent, then the great men who established the Government, and for years administered it—all the Presidents of this Union, and their associates, including, too, our present Chief Magistrate, have been in error, and made treaties and laws without right, and against right.

I have a further reason for fearing the Indians are to be expelled. While such sentiments are entertained in the cabinet, certain States, for the first time, and just at this crisis, put the finishing stroke to this grand scheme of removal. They deliberately pass laws, annihilating the independent existence of the tribes; abrogating all their customs, decrees, rules, and obligations; excluding the superintendence of Congress; opening the whole country of the Indians to the whites; and, in short, taking from them their own government, and excluding them from a participation in theirs; and all this upon a claim of right, while the single object is to coerce their removal.

Now, sir, when I find such sentiments prevailing in certain States, and in the cabinet, and that the like are urged upon us by the committee to induce the House to pass this bill, I am alarmed for the poor and helpless Indian—I feel that power is arrayed against right; and that the voluntary, unbiassed expression of the Indians, as to their removal, is not likely to be had.

Besides, sir, we have the expression of the Indians reiterated upon us. They do not wish to remove. For years have we been laboring to make them remove—have made them liberal offers—induced them to go and see the promised land tendered to them; but it is all in vain; like others, they prefer to live and die where their fathers lived and died, and refuse, absolutely, to remove. And to make the last and final attempt, this great and mighty Government has insidiously sent in its agents, Generals Coffee and Carroll, secretly, as their friends, to advise them "to try the

chiefs alone"—"to move upon them in the line of their prejudices, and to give them rewards." The letters of instruction to these agents of Government we have on our tables. They are a stain upon our national character. These fruitless attempts to induce the Indians to remove, prove, beyond all question, that they never will remove, if left to act their own pleasure.

I cannot help believing that much is meant by this bill of appropriations. The Indians will feel that they must go, or be abandoned to their fate; and the world will justify that feeling. They must and they will go.

While the Indians are thus abandoned by the United States—pressed by the States in which they live, and denied all right of territory and self-government, let us not delude ourselves with talking about their voluntary and cheerful removal, but rather let us meet the matter fairly, and make out the position, that this nation, or the individual States of it, have a right, before God and man, to send the Indians even to the Pacific Ocean, if they be in the way of our growth and expansion.

Let me now ask the attention of the committee to the great questions—What are the rights of the Indians? and what is our duty to them?

It is not at all improbable that we shall answer these questions differently from what the Indians would. We may adopt a course of reasoning which they would deny, and one which we might perhaps see differently if the Indians were the stronger party. But I trust that we shall not forget that truth and justice are always the same, and that towards the Indians we ought to act upon the most noble, generous, and humane principles.

The Indians declare to us that they are to be sacrificed to the mercenary views of the whites. They come in a body of some thousands, imploring our interposition. They recite our treaties, in which they have given themselves into our arms for protection, and in which we have most solemnly received them, and pledged ourselves to protect them from every power whatever. Sir, it is becoming us to look at this matter fairly and fully, and see where duty lies.

What, then, I ask, are the rights of the Indians? I maintain that the complainants have the right of territory and self-government, and that these have ever been accorded to them by this Government.

Suppose, sir, we were now, for the first time, to learn that there was a tribe of Indians in Georgia, the Cherokees we will suppose, and that, discovering them, we should learn they had lived upon their present territory, and their ancestors before them, from a period beyond all memory or history. Suppose we should find them to be owners of a tract of land containing eight millions of acres, possessing a government of laws, a public treasury, schools, and religious institutions, and made up, to a great extent, of farmers and mechanics, advancing in knowledge, wealth, virtue, and power. Suppose all this, (and I do not speak of an imaginary people,) what should we say of their rights as a nation? We could not possibly differ. Writers on the law of nature and of nations, politicians and moralists, of every school and every age, would agree that they had the most perfect and absolute right to territory and government. And let me stop here to remark that the Indian right to territory is no better than his right to government. Every consideration can be urged in favor of one right, that can be urged in favor of the other. They must stand or fall together. I do not deny that the right of soil and jurisdiction may be divided; but they are not so in this case. If the Indian tribes have a right to live upon their possessions, they have a right to live there as they please, provided they do not annoy us.

Now, I ask gentlemen if the rights supposed are not really the present rights of the Indians. Here they are; here they ever have been; and here they are in the condition in which I have supposed. In 1826, the Cherokees

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were the owners of two thousand nine hundred and forty-three ploughs, one hundred and seventy-two wagons, two thousand five hundred sheep, seven thousand six hundred horses, twenty-two thousand cattle, four hundred and forty-six thousand swine. Have they done any thing to forfeit their rights? If so, when? how? by what act? by what event? True, we have gathered round them, while they have been receding to their present narrow limits, and advancing to their present condition of knowledge and improvement; (and had they not a right so to advance?) When we have taken their lands, we have purchased them, and marked distinctly the boundaries of what we left. Now, I again ask gentlemen when the Indians lost their rights. The whites may have made maps and charts, and drawn lines; but what have the Indians done? They are the creatures of the same God with ourselves; he has made them, and placed them where they are; he it was, who gave them their lands to dwell in. Sir, I declare there is no right in us to take it or their Government from them. Power may do it, but the God of heaven will not sanction it. Self-defence does not require it; nor does discovery, conquest, civilization, or christianity give it.

Let us look, for a moment, at these several grounds of title. What, sir, is the right of discovery? This right is often spoken of by those who are adverse to the claims of the Indians. Among the nations of Europe, it seems to be a principle of the law of nations, that if the subjects of any king discover and enter upon new and unknown lands, they become a part of the dominions of that king. There is much that is arbitrary and fanciful about this right. But, be it reasonable or unreasonable, it is a mere political arrangement among nations, established to regulate their own conduct among themselves, and has nothing to do with the prior possessors of the land. I can hardly conceive how sailing along our coast for a few miles should, in the first instance, have given a right to North America. But be it that it does; how are the Indians affected by that consideration? Suppose even the rights of the Indians ought, upon general principles, to be limited and restricted by the settlements of civilized and christian people, will any contend that the Cherokees, for instance, ought to be driven into narrower limits than their present possessions? If, because we are enlightened and civilized, by discovering this country we have conferred on us a right to drive off the Indians, or wrest from them their Government, (which I consider the same thing,) then we may, if it becomes necessary, in order to secure our further advancement in knowledge and virtue, drive them into the Western Ocean, or even put them to death. Certainly nothing of this kind is necessary. Indeed, I believe the Indians, by being established on the west side of the Mississippi, will become a greater obstacle to our national growth and prosperity, than if left as they now are. Not twenty-five years will pass, before the Indian on those rich lands will be in some white man's way.

It may be true that the European nations, the English, French, Spanish, and Portuguese, have apportioned this continent upon the principle of title by the first discovery and possession. But, in doing this, they had infinite difficulty and wars; nor did they then do it with reference to the Indians, but only to govern their own conduct, and to avoid further collision and war. Has it not been the established principle of this Government to recognise the Indian title? Has it ever taken their land upon this title by discovery without their consent, and for an agreed consideration? Sir, do we not every year acknowledge their title, by making treaties with them, and paying annuities? We pay, I think, more than two hundred thousand dollars annually to the Indians in annuities. How can we, the United States, deny a right which we have recognised, ay, guaranteed, thousands of times? We are estopped. We are convicted by our own conduct from the very beginning. The history of our Government will rise up in judgment

against us. Sir, the Indians should be left to feel that we are honest and faithful to our engagements, and that we are not about to change our whole course of intercourse with them. They know nothing about this European notion of title by first discovery. They have always occupied their present possessions. The Indian finds that the Great Being who made him has given him a place on the earth, and he argues that some reasonable portion of it, on which he was born and has ever lived, must be his; and that that portion of it cannot be wrested from him by another's casting his eye or placing his foot upon it.

Thus much for the right of discovery.

As to the right of conquest, I imagine even less can be said. Victory and activity subject the vanquished and his property to the pleasure of the victor. But then the right of claiming the country of another nation, and of exercising government over it, depend upon the fact of a victorious conflict—taking possession as conquerors, instituting a government as such, and driving out the enemy, or receiving him as a dependent subject. But none of all this, surely, is true of these southern tribes. All the wars between them and us have terminated in formal treaties, leaving them in possession of their territory, distinctly acknowledging their independent existence, and guaranteeing to them their possessions. Treaties to this effect are numerous, and, I trust, too familiar to this House to need to be read. Besides, so far as the Indians have lost their country by conquest, the United States have acquired it, and not the States. The States have never conquered their country, or taken possession of it, or abolished their laws, and instituted a government of their own. The wars have been conducted by the United States, but she has acknowledged their independence in the numerous treaties of peace already mentioned. Nor has she ever taken any thing from them, not even a right of passage through their territory, without their consent and an equivalent. It is forever too late to talk of conquest. Great Britain has not more fully acknowledged our independence than have we that of the Indians. With the Cherokees we have made sixteen treaties. They all begin and end with this sentiment. And even if these treaties were made without authority, (which I by no means admit,) they negate all right or claim by conquest. Before the union of these States, Georgia herself, by more than one treaty, most fully acknowledged the rights of the Indians. It is enough that she never did take the attitude of a conqueror. [See the treaty made at Dewitt's corner in 1777.]

If, then, Georgia and the other States have no right, directly or indirectly, to expel these Indians—no right to their Government or their territory, by discovery or conquest, or civilization, or christianity, when, and where, have they this right at all? True, they may not wish to have the Indians within their limits—but who put them there? God. How long have they been there? Always. Nor is it their fault that the whites have gathered around them, or that it so happens that they fall within the chartered limits of a State. This is no act of theirs, whereby they forfeit their rights, nor do they admit, nor have they at any time, that they are not independent and sovereign. They have granted no charters and drawn no lines, except as they have sold to the whites.

I have thus far considered what are the rights of these Indians, independent of treaties and legislation, on our part: but I will now call the attention of the committee to the political condition in which this Government has considered them to stand, and I affirm we shall find every thing to confirm the opinion already advanced. No position is susceptible of better proof.

From the first union among the States, our relations with the Indian tribes have been conducted by the National Government. As our defence in case of war with them required the general arm and common funds, the nation was interested to superintend all intercourse with them—

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in order to avoid the causes of war, as well as to save the Indians from the intrigues of individuals, and from alliances with foreign powers. These Indians were likewise very formidable and dangerous. Under the old Congress and the confederation, all our intercourse with the Indians was in our national character. As such we made treaties with them, offensive and defensive—induced them to forego all connexion with other nations, and to commit themselves and their concerns into our hands. As a nation, too, from the first, this Government has admitted their independent existence, and their full right to the soil. We have never usurped their rights, but have maintained a friendly connexion with them, and purchased their lands when we wanted them and they would sell.

In 1785 we made our first treaty with the Cherokees. In the treaty we agreed that they should have a delegate in Congress. The treaty begins thus: "The commissioners plenipotentiary of the United States of America in Congress assembled give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions:

"Article 3. The said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whatever.

"Article 9. For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

"Article 12. That the Indians may have full confidence in the justice of the United States respecting their interests, they shall have a right to send a deputy of their choice, whenever they think fit, to Congress.

"Article 13. The hatchet shall be forever buried; and the peace given by the United States, and friendship re-established between the said States, on the one part, and all the Cherokees on the other, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established."

The same provisions and mutual stipulations are to be found in the treaty of Holston, made in the year 1791, and so in the subsequent treaties down to the present day.

Can we need other evidence that our relation to the Indians has been national, exclusively, from the first? The States and individuals have been prohibited the purchase of Indian land. All our dealing with the Indian tribes bears but one interpretation—that of two distinct parties treating in their national character.

Sir, at the time when these States established the present Government, how did they find these Indian tribes, and our relations with them?

They found—

1st. Treaties of friendship and alliance existing between them and us, containing reciprocal obligations and guarantees.

2d. They found their national domain marked out and defined.

3d. They found them nations in claim, in enjoyment, and right—acknowledging no dependence.

4th. They found that, under existing treaties, the United States had excluded the whites from the Indian territory, and had regulated all trade and intercourse with them, as it is now done. The Ohio river was made to divide them into two departments, the North and the South. Before 1787, there had been three departments. The old Congress, in 1787, appropriated thirty-four thousand dollars for the making treaties with the Indians.

In this state of things the present Government was formed, and to it is given the power of regulating commerce with foreign nations, between the States, and with

the Indian tribes, without the restriction in the eighth article of the confederation.

In 1790, the second session of the first Congress, this power was carried into effect, by first appropriating twenty thousand dollars to make treaties. And at the second session they passed the act to regulate trade and intercourse with the Indian tribes, which expired in 1793, and has been renewed from time to time, until, in 1802, it was permanently enacted, substantially as it now is. The treaties with the Cherokees, and the provisions of the intercourse law of 1802, all now in force, are substantially the same. I ask the attention of the committee to them very particularly, for I hold them to be indubitable evidence of the national character in which we acted, utterly inconsistent with the assumed jurisdiction of Georgia, and such as imperiously demand of us to resist the claim of Georgia, or abandon our treaties and our laws.

1st. The boundaries of the Indian country are expressly, by treaty and legislative enactment, recognised and established, and the President is directed to ascertain them.

2d. By treaty and legislative enactment, the Indians cannot sell any of their lands to third persons or foreign States.

3d. By act of Congress, no person can enter the Indian territory to trade, without license, and giving bond of one thousand dollars, with surety; nor can a foreigner ever obtain license at all.

4th. No person shall settle in the Indian territory, nor shall survey or mark out the same; and, if he does, the President may remove him by military force.

5th. No person shall purchase of the Indians clothing, guns, or implements of husbandry.

6th. Every white man found over the line, may be seized by military force, and carried into any one of three adjoining States, and tried.

7th. So he may be seized and tried wherever he may be found.

8th. All crimes committed by Indians shall be tried in the United States' courts.

9th. The tribes first, and Government finally, are liable for all depredations by the Indians, demand being first made on the superintendent.

10th. Indian agents are located among the tribes, and they only can designate places of trade.

11th. The President may regulate and forbid the sale of spirituous liquors among the Indians.

12th. The President may cause them to be furnished with domestic animals and implements of husbandry, and with goods and money.

13th. To prevent their further decline, the President may appoint persons to instruct them in agriculture and knowledge, and ten thousand dollars is appropriated annually therefor.

Now Georgia has assumed the entire civil and criminal jurisdiction over all this Indian territory within her limits, as has Alabama and Mississippi; and they claim that, let their laws be what they may, the United States cannot interpose; no, not if they pass a law to put every man of them to death. These States have driven the United States out of their State limits, and now deny their right, by treaty or legislation, to interfere in the internal and domestic concerns of the Indians. At one blow our treaties and laws fall to the ground. And we are to sanction and sustain these measures, by appropriating the funds of the Government! I ask this House to consider the character of the laws of Georgia, and say if they are willing to aid in the execution of her designs.

But, sir, aside from the injustice, upon general principles, of removing the Indians, I ask if this Government is not bound by treaties to protect them against everybody.

Congress, under the power of the constitution, has repeatedly entered into compact with the Indians.

1st. She has made appropriations beforehand, to ena-

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ble the President to make treaties. She did this at her first session, appropriating twenty thousand dollars. She has done it every year since; and most of the treaties we expressly enumerated and approved in the act of 1826. The treaty of the removal of the Creeks was made by the President, but is, I trust, binding on the country.

But, sir, if Congress had not expressly directed the President to make treaties, and had not ratified his acts after they were done, he has the power given him in the constitution. We have been making treaties with the Indians from the first. We know that Washington, Adams, and every President since, has acted upon the idea that this Government possessed the power. By virtue of these treaties we have obtained the country of the Indians—that which we never claimed as ours—and for it we have stipulated to pay annuities. Are all these things mere waste paper? Can this Government say we have no power to treat, while we are constantly doing it, and now hold much of their land under treaties?

But, sir, let us not forget that, by treating with the Indians, we have induced them to throw themselves into our arms, and to commit themselves to us. Take, as a just illustration of this sentiment, the first treaty of the Indians under the constitution. They abjure every other power, State, or individuals; commit their country and their affairs to the United States, exclusively, and with us enter into treaties of alliance, offensive and defensive. So, too, we receive them; guaranty their country; define and bound it; and take a part of it to ourselves; and by legislative enactments regulate their trade and exclude all persons from their territory, and send them implements for the purposes of husbandry. Can we now say we have no power, and cannot redeem our pledge? I hope this Government will not stoop to such infamy and perfidy.

In 1819, Congress passed a law to appropriate ten thousand dollars annually, to co-operate with benevolent societies in civilizing and reclaiming the Indians—aye, to co-operate with the “fanatics of the North,” as the gentleman from Georgia calls them. The Choctaws have appropriated twelve thousand dollars for thirty years, annually, and the Chickasaws, thirty thousand dollars—and now, since some of them are beginning to be what we have long labored to make them, we are about to abandon them forever. If, sir, our treaties or laws are of any force, how can the acts of Georgia, Mississippi, and Alabama stand? One or the other of these powers only can extend its jurisdiction over the Indians.

It has been said that the Indians in the southern States will soon become extinct—that humanity dictates their removal. Sir, why not leave the Indians to judge for themselves in this matter? They have the deepest interest in it, and they are sufficiently intelligent to discover what is best for themselves. Sir, I confess I do not like this parade of humanity. Nor, if there be a willingness on the part of the Indians, would Georgia need to pass her extraordinary laws. But, sir, who constituted us judges over them? We may as well set ourselves up as judges for any other people—for Spain or France, for instance, and force upon them republican Government, if we thought it would be better for them. How comes it to pass that some of the tribes, the Cherokees especially, are increasing in population and wealth? Does this look like their extinction? When did Georgia permit me to ask, first feel this impulse of humanity for the Cherokees? Not until they began to be a growing tribe. If she wishes to save the Indian; why does she deny him the benefit and protection of her laws? Why does she leave him to the merciless rapacity of his white neighbors?

But it is said the Cherokees and other tribes are willing to remove. What, then, mean these memorials of touching entreaty on our tables, signed by some thousands of them, begging that they may not be forced to leave their country? Why has Government sent in among them

secret agents to advise them to go? Why have these States passed their unequal and unprotecting laws? Does this look like a wish on the part of the Cherokees to remove? And why, let me ask, have they so long refused the offers made them by the Government? But it is said, the chiefs! the chiefs! they are the mischief-makers—they advise the Indians to stay. And has it come to this, that we are to find fault with the poor Indian, because he regards the advice of his chief and guardian? Do not we and other nations the same? Shall we take the ground that the Indians are willing to remove, because we, in our humanity, think they ought to be. They have, and still do, as a nation and as individuals, declare they are not willing to remove; and among other things, they give, as a reason for their unwillingness, that they have examined and do not like the country beyond the Mississippi—that they cannot be happy and secure there. And may they not judge for themselves?

Sir, there are many considerations pertaining to this great subject, which I must leave to other and abler hands. I will close my remarks with noticing one objection to the Indians remaining, and establishing a Government where they are. It is said, and it is so declared in the President's message, that it is against the theory and constitution of our Government that the Indians should have a distinct existence in the bosom of a State. My answer is, that these southern tribes always had a Government—they are exercising no new power—it is not a new nation, an “*imperium in imperio*,” springing up. They have, it is true, within a few years, new-modelled their Government, in imitation of ours, and infused into it something of its spirit and principles; but they assume no new authority. The whites have established themselves around the Indians, and it is not a new power springing up and planting itself in a sovereign State. The objection takes for granted the whole matter in dispute. If my views are right, the Indians can urge this objection with more force than we can. In most of the States the Indians have melted away, and thereby lost the power of self-government and distinct existence; but this is not true of the Cherokees and other southern tribes, who have claimed and exercised the power of self-government, and, for aught I see, may do it with as much propriety as ourselves. Sir, I will close with saying that this emigration of sixty thousand Indians, of different tribes, to a new country, now occupied more or less with hostile tribes, is an experiment of such serious magnitude, that we ought not to force it upon them, but leave it really to their free choice. And who, sir, can tell us of the expense of this removal? We are first to purchase the country they leave, then to remove them, to conquer or purchase the country assigned them, and, after this, to sustain and defend them for all future time. How many millions will this cost?

We must be just and faithful to our treaties. There is no occasion for collision. We shall not stand justified before the world in taking any step which shall lead to oppression. The eyes of the world, as well as of this nation, are upon us. I conjure this House not to stain the page of our history with national shame, cruelty, and perfidy.

Mr. FOSTER said that the interest which the State of Georgia had in the bill then under consideration, would, he hoped, be a sufficient apology for his engaging in this discussion. I am, however, [said Mr. F.] not a little discouraged, from a consciousness that any thing coming from a representative of that State, on this subject, will be received with great caution, if not distrust. We are considered (as to a considerable extent, we really are) parties in interest, as advocating our own cause—and an argument which, coming from some other quarter, would be considered as entitled to some weight, will, I fear, lose its effect when urged by one of us. Sir, I hope gentlemen will guard themselves against any influence of this kind—so far, especially, as concerns the humble individual who now addresses you, I beg them to consider the cause, and not

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the advocate, and not to resist the argument merely on account of the source from which it proceeds.

But we have to contend with another very serious difficulty. We cannot shut our eyes to the fact that there is a strong and powerful feeling in favor of the Indians, which pervades an extensive portion of this country, the influence of which is very perceptible in this House. Of this I am not disposed to complain—the feelings of humanity are honorable to our nature, and, even when misguided, are entitled to our most charitable indulgence; but gentlemen will pardon me when I admonish them that this is the very kind of feeling which is most calculated to mislead the judgment. Sir, grave and important questions are now submitted for our determination, and they should be gravely and dispassionately considered. So far as respects the indulgence of a kind and friendly feeling towards our red brethren, I yield to no gentleman on this floor. With many of the Cherokees I am personally acquainted—I have stood in a relation to some of them calculated to inspire a deep interest in their fate: it has fallen to my lot, on various occasions, in the courts of Georgia, to have been engaged as their advocate in the defence of their rights and interests. Sir, they are my friends, and they have full confidence in my friendship for them—and I would be the last man to encourage an act of injustice or oppression towards them.

And, while I thus frankly state the spirit with which I enter into this debate towards the Indians, I shall endeavor, in the remarks which I may offer to the committee, carefully to avoid using any expression which might offend the feelings of any one, either here or elsewhere. Even the numerous memorialists who have loaded our tables with their petitions and remonstrances in behalf of the Indians, and whose language, in some instances, towards the people of Georgia, gives them very little claim to our forbearance, need entertain no apprehensions of retaliation from me. I have no disposition to recriminate. Sir, I have a higher purpose in view—defence is my object. I take my stand on the borders of my State, for the purpose of repelling the attacks which have been made, and are still making, upon her rights and character; and if, in the prosecution of this duty, I should find it necessary to make an incursion into the territories of our assailants, I shall endeavor to do it in such a way as to be guilty of no departure from the established rules and principles of a strictly defensive war.

The gentleman from New York has gone into a very minute and critical investigation of the right by which our ancestors obtained the possession of this country. He tells us that discovery only gave the title as between the European nations—and merely conferred the right, on the discovering nation, of acquiring the territory from the savages; thus discovery gave the right of obtaining possession, and the possession when procured completed the title; so that our title to the country is really that of purchase from the aborigines. The gentleman here, too, took occasion to remind us that the theory of the English tenures, that title by which lands are held, is, that they originally belonged to the Crown, and were granted out by the King. And pray, sir, what is our theory upon this subject? Is it not precisely the same? Go into any of our courts, and witness the trial of a suit for land. What is the very first link in the chain of title which a party introduces to establish his claim? Is it not the grant or patent from the State or United States? Do the courts go beyond these to ascertain how the granting power acquired the right to dispose of the land? Is the inquiry ever made how the territory was procured from the aborigines? No, sir; such questions are never heard of: it makes no difference whether the lands were obtained by purchase or conquest, whether by formal and regular treaty, or at the point of the bayonet. The title of a patentee from the Crown would have been as valid and incontrovertible, if the British Go-

vernment had driven out the natives with fire and sword, and taken possession, as it was after a purchase from those natives.

But further, as regards this right acquired by discovery—it has been repeatedly determined, and indeed never controverted, that the discovering nation had not only a right to acquire the country from the natives, but also the right to prohibit them from disposing of it to any other nation or to individuals. And will it be pretended that a people who were denied the privilege of disposing of their own property, either as a nation or as individuals, and that by a foreign power, were sovereign? What kind of sovereignty is this which is subject to be thus qualified and controlled? Sir, it is in vain for gentlemen to contend that the Indian tribes were sovereign and independent when they were subjected to such restrictions. But the whole difficulty is removed when we advert to the character of the Indian title. They had nothing like national sovereignty, as understood by civilized nations: their right to the land they occupied grew out of their possession; it was strictly the title of occupancy—an individual right; and so long as the possession continued, the right was valid; but when the possession was abandoned, the title ceased. It is very obvious, then, that, as occupancy alone could vest the title, the aborigines could have no right to the vacant lands around them; these, on the discovery of the country, the subjects of the discovering nation might occupy. By this occupancy they acquired an individual title; and, upon receiving an act of incorporation from their sovereign, they became a part of the empire, and entitled to the protection of the law; and thus followed the sovereignty. Such, sir, are the doctrines laid down by the writers on national law—they are not new, they existed long before any controversy between Georgia and the Cherokees. But, by way of sustaining them still more fully, permit me to present to the committee the opinion of a distinguished citizen of this country, which certainly will command their respect. Before I do so, however, I will refer to the President's message at the commencement of the present session, and read a short extract from it; and really if it were not so well known that he is the copyist of no man's style or sentiments, we might almost charge him with plagiarism. Speaking of subjecting the Indians to the laws of the States in which they live, the President says, "in return for their obedience as individuals, they (the Indians) will, without doubt, be protected in the enjoyment of their possessions which they have improved by their industry." But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase." I will now turn to the opinion of the distinguished gentleman to whom I first alluded. I read from an oration delivered by the Hon. John Quincy Adams, at Plymouth, on the anniversary festival of the sons of the pilgrims in the year 1802. "There are moralists (says the orator) who have questioned the right of Europeans to intrude upon the possessions of the aborigines in any case, and under any limitations whatever. But have they maturely considered the whole subject? The Indian right of possession itself stands, with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields, their constructed habitations, a space of ample sufficiency for their subsistence, and whatever they had invested for themselves by personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles, over which he has accidentally roamed in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of ten thousand for whom they were created? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself,

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but shall he control the civilization of a world?" And, after proceeding with a series of questions, forcibly and elegantly expressed, and so framed as to expose the absurdity of the doctrine against which he was contending, the speaker thus beautifully answers them: "No, generous philanthropists! Heaven has not been thus inconsistent in the works of its hands! Heaven has not thus placed at irreconcilable strife its moral laws with its physical creation! The pilgrims of Plymouth obtained their right of possession to the territory on which they settled, by titles as fair and unequivocal as any human property can be held. By their voluntary association they recognised their allegiance to the Government of Britain; and in process of time received whatever powers and authorities could be conferred upon them by a charter from their sovereign. The spot on which they fixed had belonged to an Indian tribe, totally extirpated by that devouring pestilence which had swept the country before their arrival. The territory thus free from all exclusive possession, they might have taken by the natural right of occupancy. Desirous, however, of giving ample satisfaction to every pretence of prior right by solemn and formal conventions with the chiefs of the neighboring tribes, they acquired the further security of a purchase." This, sir, is the very doctrine for which I am contending. The Indians held their lands by virtue of their possession; their fields and houses belonged to them on account of their personal labor which they had bestowed on them; but Mr. Adams, while he bestowed merited praise on the fathers of New England for their anxiety to give ample satisfaction to the natives, expressly asserts that "they might have taken possession of the vacant land, the territory free from all exclusive possession, by the natural right of occupancy."

To this opinion of Mr. Adams, I beg leave to add that of a gentleman of the bar, whose name I am unable to give, but who is stated by the Rev. Dr. Morse to be an eminent lawyer. In 1821, Dr. Morse was appointed by the War Department to obtain information as to the state and condition of the Indian tribes generally; and with his report, which he has published, he compiles this opinion, and which seems to have been given in a case stated relative to the nature of Indian titles to their lands:

"The European settlers of this country," says this gentleman, "claimed to have a right to appropriate it to themselves; and the mildest and least exceptionable form in which they exercised that right, was, to treat the aboriginal inhabitants as entitled to a limited or qualified property, a right to occupy and enjoy under certain modifications, but with no power to convey nor indeed to do any other act of ownership. The right of soil, or the absolute property, and the jurisdiction over it, were, in the mean time, deemed to belong to the sovereign or State under whose authority the discovery and settlement were made, and to the grantees of such sovereign or State. The interest of the soil carried with it the right to buy off, or otherwise remove, the incumbrance, which right, as respected the sovereign or State, was of course full and absolute, but, as respected individuals, was subject to such restrictions as might be thought fit to be imposed, either by general legislation, or by terms annexed to the respective grants." "At the revolution the rights of territory and jurisdiction, which belonged to the foreign sovereign, and such sovereign rights as had been granted by him to individuals or bodies, became vested in the States of this Union, within whose limits the territory lay. Among the rights which thus became vested in the States, was the sovereign authority over the lands inhabited by the Indians within their bounds, and not yet become the subject of individual ownership or claim. It comprehended the right of soil, the jurisdiction, and the exclusive authority to purchase, or otherwise extinguish, the qualified property of the Indians."

Such are the principles upon which this vast continent

was settled by the Europeans; and it will readily occur to every gentleman that they give the death blow to this new doctrine of Indian sovereignty. For, if the aborigines really possessed sovereign authority over the country, it was a direct and illegal encroachment upon their national rights for any other nation, or the subjects of any other nation, to attempt to occupy any part of it, without permission.

But, sir, the honorable gentleman from New York [Mr. STORAS] will, I suppose, treat the opinions I have read as he did those of Chancellor Kent, Mr. Dane, and some others, which were quoted by the honorable chairman of the Committee on Indian Affairs, [Mr. BELL.] Perceiving how directly those opinions were at war with the principles for which he is contending, the gentleman from New York endeavors to break their force and effect by telling us that they were *obiter dicta*—mere passing remarks—not solemn adjudications. Why, sir, the gentleman certainly forgets where he is. We are not in a court of law. We do not refer to decisions of courts as binding upon us; but the opinions of judges, and of all other gentlemen of distinguished talents, are certainly entitled to weight in our deliberations.

But I will meet the gentleman on his own ground; and as nothing but adjudicated cases is regarded by him as competent authority, I beg leave to refer to the decision of the Supreme Court of the United States, in the case of *Johnson vs. McIntosh*, (8 Wheaton's Rep.) And, sir, when I remember the tribute, as equivalent as it was just, which was paid a few weeks ago by my friend from Connecticut [Mr. HUNTINGTON] to the venerable jurist at the head of that court, I feel that this decision will not, at least by some gentlemen here, be lightly esteemed. In delivering the opinion of the court, Chief Justice Marshall says: "While the different nations of Europe respected the right of the natives, as occupants, they asserted the ultimate dominion to be in themselves, and claimed and exercised, as a consequence of this ultimate dominion, a power to grant the soil, while yet in possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy. The history of America, from its discovery to the present day, proves, we think, the universal recognition of these principles." After speaking of Spain and Portugal, as resting their claims to portions of this continent on discovery, the court proceeds: "France also founded her title to the vast territory she claimed in America, on discovery. However conciliatory her conduct may have been, she still asserted her right of dominion over a great extent of country not actually settled by Frenchmen, and the exclusive right to acquire and dispose of the soil which remained in the occupation of Indians." Again: "No one of the powers of Europe gave its full assent to this principle more unequivocally than England." And, after stating the different grants, patents, and charters, granted by the King of Great Britain to different companies, the court adds, "Thus has our whole country been granted by the Crown while in the occupation of the Indians." With regard to the territory ceded by Virginia to the United States, the Chief Justice says: "The ceded territory was occupied by numerous and warlike tribes of Indians; but the exclusive right of the United States to extinguish their title, and to grant the soil, has never, we believe, been doubted." Again: "The United States, then, have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold, and assert in themselves, the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest, and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise."

"If the discovery be made, and possession of the country be taken, under the authority of an existing government,

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which is acknowledged by the emigrants, it is supposed to be equally well settled that the discovery was made for the whole nation, that the country becomes a part of the nation, and that the vacant soil is to be disposed of by that organ of the Government which has the constitutional power to dispose of the national domains; by that organ in which all vacant territory is vested by law.

"So far as respects the authority of the Crown, no distinction was taken between vacant lands and lands occupied by the Indians. The title, subject only to the right of occupancy by the Indians, was admitted to be in the King, as was his right to grant that title.

"The very grant of a charter is an assertion of the title of the Crown."

And, sir, on examination, it will be found that most of these grants convey both soil and the right of dominion to the grantees. Hence arose the colonial governments. The colonies were a part of the empire, but, under their grants or charters, they had the right to government and jurisdiction within their limits. Accordingly, we find many of them at an early period of their history making laws for the government of the Indians within their respective bounds, and governing them as completely as the whites. Nor do we learn that this right was ever contested. Some of the colonies (among them Georgia) having a vast extent of country within their limits occupied by Indians, and but a very sparse population, did not attempt to exercise this power. This, however, was a question of expediency merely, and a failure to exert the power is no argument against the right.

Such was the situation of affairs at the revolution. By the declaration of independence, the colonies declared that they were "free, sovereign, and independent States." Whatever right of dominion or sovereignty then existed in Great Britain, passed to the States, on the establishment of their independence. By the treaty of peace this independence was acknowledged; the boundaries of the thirteen States were specified; and all the country included within the specified limits was within some one of the States: there was nothing yielded to them as a consolidated republic. They were not only independent of Great Britain, but of each other, and were under no obligation to each other, further than the solemn pledge in the declaration of independence, and the articles of Union and confederation.

If there had been no confederation, each State would have possessed within its limits all the rights which before belonged to the Crown or the colonial Government; and these have been shown to have been full and ample.

I come now, sir, to that part of this subject which is considered the most interesting—the treaties made by the United States with the Cherokees, and the guaranty contained in the treaty of Holston. This, sir, is the strong ground of our adversaries. Here the Cherokees have planted their standard, and run up the flag of independence, with "UNITED STATES GUARANTY," inscribed in staring capitals. Sir, I am not to be alarmed by this guaranty, imposing as it may be considered. I shall contend, and trust I shall be able to show, that the United States had no right to make it; and, if so, Georgia certainly is not bound by it. Sir, there are other treaties besides that of Holston; there is one of prior date, entered into between thirteen independent States, of which Georgia was one—I mean that constitution of which I have just been speaking, and to which this Government must look for its powers. In that instrument not only are the powers specified, but the Government is prohibited from the exercise of powers not granted to it. But, sir, the Federal Government, very early after its formation, began to evince a disposition, which its subsequent history has more openly developed, to increase its powers. We have a striking instance of this in the treaty of Hopewell—the first treaty which it entered into with the Cherokees. In the second article of that treaty, "the Cherokees ac-

knowledge themselves to be under the protection of the United States, and of no other sovereign whatever." This is not the language of the Indians; for although some of their chiefs signed the treaty, it was undoubtedly dictated by the United States' commissioners. These Indians were in the bounds of the States of North and South Carolina and Georgia. The only power which Congress then had in matters of this kind, was "to manage the affairs of the Indians, so that the legislative rights of the States should not be violated." And yet, by this treaty, the United States are constituted the sole sovereigns over these Indians. Was not the legislative power of the State set at complete defiance? But let us examine this guaranty. The treaty of Holston, in which it is contained, was made in 1791. Here the United States again obtained from the Cherokees the acknowledgment that they were under their sole protection, and of no other sovereign whatever; and then they solemnly guaranteed to them all their lands not ceded. Here let me inquire what was the object and meaning of this guaranty. Does any gentleman believe it was designed to authorize the Cherokees to organize or establish an independent Government? Can any one seriously pretend that such a thing was contemplated, either by the United States' commissioners, or by the Indians? Such an opinion will not be hazarded. The utmost extent to which this guaranty was intended to go was to secure the Indians in the possession of their lands. This idea of an independent Government is of recent date. The right of the Indians to form it, and claim the protection of the United States, under the treaty of Holston, never suggested itself until Georgia threatened to extend the operation of her laws over that part of her territory in the possession of the Cherokees. Then it was that a delegation from that tribe came on to this city, and applied to the President to protect them against the operation of the Georgia laws. And it was in answer to this application that the President gave the answer which the gentleman from New York complains of, and characterizes as arbitrary and despotic. He says that the President should have waited for Congress; that it was our province to have decided on this subject, and his, to execute the laws of the land, one of the highest of which was the treaty. Sir, one who knew nothing of the facts in this case, and had only heard them as disclosed by the gentleman, would have supposed that the President was entirely a volunteer; that on coming into office he had heard of the intention of Georgia to exercise her right to extend the operation of her laws over the whole of her territory, and that he had forthwith told the Cherokees they must remove; that the laws of civilized man would soon be enforced against them, by which they would be grievously oppressed; and that although he had found in some old treaty a guaranty by which the Government were bound to protect them, yet he should pay no regard to it; and if they would not remove, he should leave them to their fate. But was this the case? What, sir, is the history of this matter? The Legislature of Georgia, eighteen months ago, asserted, by resolutions, her right to extend her jurisdiction over the Cherokee country, and advised a future Legislature to exercise this right: the Indians applied to the President, complaining of the designs of Georgia, and asking the protection of the Federal Government. Now, what should the President have done? Make no reply—remain perfectly silent, or tell them he was not at liberty to give any opinion, not even to form one, as to the intent of the treaty referred to? Is this the course of conduct for a President of this republic to pursue? Would this have been like Andrew Jackson? Sir, it would have been at variance with every act of his life and every feature of his character. What, then, could he have done, other than that he did? The Indians had not been interrupted—there had been no attempts to drive them from their land, nor was this even threatened; and

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the law of Georgia, which the gentleman from New York says will have the effect of compelling them to remove, had not even been passed. But the President, appealed to as he was, in a spirit of the most open frankness, and with a special regard for the welfare of the Indians, addressed them in the most affectionate terms; he told them they knew him, and they knew he would not deceive them; in that peculiar and eloquent language which they so well understood, he told them he spoke "with a straight and not with a forked tongue." If you remain where you are, (said he) you cannot escape the operation of the State laws; you are included within the bounds of the States which have this right, and it is in vain to think of resisting; if you choose to remain there, you shall be protected in the possession of your lands; but I will not beguile you with the hope of the protection of this Government against State authority. But if you choose to remove, I will provide you a country beyond the Mississippi, where you may escape the evils you apprehend—there you shall be protected—there you may live and be happy." And this, sir, is the language of a despot! this is the style suited to the court of Henry VIII! this is the power which is so alarming, that the gentleman from New York would prefer a dictator at once, rather than have a President so self-willed and tyrannical! Really, sir, so solemn and impressive was the gentleman's manner, so awful and terrific the picture he drew, that my fears were highly excited—I was ready to conclude that the days of this happy republic were numbered, and my imagination sickened at the contemplation of liberty expiring in convulsive agonies. But, sir, when the alarm had ceased, and I had time for a little calm reflection, I found that the country had, in the view of the gentleman, been brought to the verge of this awful catastrophe by a little friendly and parental advice from the President to these children of the forest, and by a refusal to array this Government against that of the States acting within their own sphere. But, in the glow of all his ardor, and while sounding these terrible alarms, and indulging in such mild terms as "tyrant," "despot," "dictator," &c. the gentleman is considerate enough to remind us that his opposition to the conduct of the President is prompted by no political opposition—"this is no party question." Oh no! "no party question!" certainly not. Why tell us this? Who could have thought of charging the opposition of that gentleman to the influence of political or party motives? I am sure no member of this committee can be so uncharitable. But, lest there might be some ungenerous suspicion of that kind, the gentleman gives us the strongest assurance of his sincerity, in the anxiety he evinces to throw the responsibility of the President's conduct upon some one else. "It was certainly not the suggestion of his own mind;" and yet, after ranging the fields of his imagination, extensive as they are, he is unable to whom to attribute this cruel policy. Finally, however, and without the shadow of pretext, he travels out of his way to make what at first appeared a very insidious attack on the Secretary of State. After telling us he cannot imagine who could have advised the President in this matter, he expressed the most fervent hope that it was not the first officer in the cabinet. Really, sir, at first I thought this was bitter irony; and that the gentleman's object was to render the policy as odious as possible, and then, by expressing the hope that it was not advised by the Secretary of State, to make directly the opposite impression upon the minds of the committee. But when a gentleman of his standing makes such a solemn averment, we are bound to believe him. From the relations formerly existing between the Prime Minister and the gentleman from New York, it might be a matter of curious inquiry how long this extreme solicitude for the fame and character of the Secretary of State has existed. This is a matter, however, which it would be highly indelicate for me to inquire into. I can only congratulate

the Secretary on the invincible champion who has stepped forward in his defence; and from the zeal and spirit which has been manifested, the head of the State Department may feel perfectly secure from all attacks. If, however, the gentleman's knowledge of the President's character had been equal to his anxiety for the Secretary's reputation, he might easily have quieted all his apprehensions. Our present Chief Magistrate, while he will cheerfully listen to the opinions and suggestions of his constitutional advisers, will not submit to the directions or dictations of any one; and, least of all, will he ever attempt to shelter himself from the responsibilities of his measures, by palming them on his ministers.

But to return to the treaty of Holston. Suppose the guaranty had expressly extended to the protection of the Indians, and to restrictions upon the rights of the States, which the United States had no power to impose—in other words, suppose the provisions of the treaty to have been plainly and palpably unconstitutional: now the advocates of the Indians insist that the President has no right to notice this unconstitutionality—he is bound to execute the treaty. From this doctrine, sir, I humbly beg leave to dissent. The President, on coming into office, took a solemn oath to support the constitution of the United States—a treaty repugnant to this constitution has no binding force, and the enforcement of it by the President would, it seems to me, be a direct violation of his oath. But the honorable gentleman from New York contends, that if there be any difficulty as to the meaning or obligations of a treaty—at least, such as those with the Indians—the President should refer the matter to Congress—that it is our province to ascertain and determine the extent of these obligations. I should be very glad to know where Congress derives this power. In what part of the constitution does the gentleman find it? He will search for it in vain. No such power exists. Whenever the execution of a treaty is confided to the President, he is necessarily clothed with the power of construing it; and so long as the executive chair is filled by our present Chief Magistrate, that power will be exercised. And whenever you attempt to compel him to adopt a construction of a treaty entrusted to his execution, which he believes to be unconstitutional, and then require him to act on that construction, he will tell you: "No, I cannot. If you choose to impeach me, do so. Drag me to the bar of the Senate, and accuse me before that august tribunal; but I will not go to the bar of my God with the damning sin upon my conscience of having openly and knowingly violated that great charter of our Government which I had solemnly sworn to support and defend."

Not only are the recommendations of our statesmen, and the character of our people, a sufficient guaranty against oppression towards the Indians, but, by a recurrence to the past, we can give the strongest assurance that our courts of justice will afford them ample protection. I stated to the committee, in the outset of my remarks, that it had frequently been my lot to be employed as counsel for the Cherokees in our courts; and, as the character of the State in relation to its treatment of these people is so deeply concerned, I hope I shall be indulged in stating one or two cases which have come within my personal knowledge. In the treaties of 1817 and 1819, made between the United States and the Cherokees, by which a portion of the territory in the occupancy of the Cherokees was acquired for Georgia, "the United States agree to give to each head of an Indian family six hundred and forty acres of land in the territory ceded," on certain conditions. The Legislature of Georgia, conceiving this was a disposition of the property of the State, which the Federal Government had no right to make, ordered the lands thus secured to the heads of Indian families to be surveyed with the rest of the territory, and granted in like manner. This produced a contest between the State

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grantees and the Cherokee claimants, and a series of law suits ensued. When the causes came before the court, the title of the Indian countrymen was defended on the ground that the land which they contended for had never been ceded; that the Indian title had never been extinguished; that, being in possession, their title of occupancy was sufficient to protect them; and that, although in the treaties the words the United States "agree to give," indicated a disposition of the land which they could not make, yet it amounted to nothing more nor less than a reservation by the Cherokees of that much land from the territory ceded. Conflicting claims thus arising, produced, as may well be supposed, much excitement in the counties where these lands were situated; but, after long and solemn investigations, the court sustained the right of the reserves, and determined that the State grantees could not recover the possession of the land until the Indian claimant abandoned it, or his title was extinguished. And this decision was made by a judge,* not only of distinguished ability, but one than whom the State of Georgia does not contain a citizen more devoted to her rights and interests. But, dear as these were to him, and although many of our most respectable citizens entertained a different opinion, yet, when called on to decide this delicate and highly interesting question, he met it with the integrity and firmness which should ever characterize a judge, and our people acquiesced with that respect which they never fail to render to the laws of the State, and to the constituted authorities by whom they are administered. The consequence was, that the United States' Government, prompted by a disposition to do justice to all parties, authorized the purchase of the Indian claim to these lands; the reserves finally received from one to four thousand dollars each for their reservations; and the incumbrances on the Georgia title being thus removed, the citizens came into the peaceable and undisturbed possession of the property.

Another, and a still more serious case. In one of the counties where these controversies for land titles had existed, and where the excitement between the whites and Indians had been greatest, a Cherokee, charged with the murder of a white man, was arrested, indicted, and put upon his trial. There he appeared friendless and forsaken. Not one of his tribe came forward to aid in his defence, or witness his trial—they despaired of his life—blood had been shed; and, judging from their own usages and customs, they supposed that blood must answer it. During the trial, the prisoner exhibited no fear—not even a murmur escaped him; he looked round upon the scenes and ceremonies of the court as unconscious of danger, or indifferent to his fate. In the course of the investigation, it was proved that a white man was also engaged in the murder, and, indeed, the principal—he fled, while the Indian remained. This circumstance was seized on to establish the guilt of the one, and the innocence of the other. Some other facts were disclosed, inducing some doubts as to the part which the Indian took in the affair which resulted in the bloody deed. The advantage which this doubt afforded was not overlooked. That humane and long established principle, that where there is doubt there should be an acquittal, was urged in behalf of the accused, and recognised by the court in its charge to the jury. The result of the trial was, a verdict of not guilty; and this Cherokee was again restored to his tribe, who had abandoned him to what they supposed his inevitable fate. I could refer to many other cases, but it would be imposing too much on the patience of the committee. Is this, then, sir, the State whose laws and whose courts are so oppressive to the Indians—whose people disregard all the obligations of humanity, and trample on the rights of the weak and defenceless savages? Do we deserve the re-

proaches and abuse which have been so unsparingly lavished upon us? But, sir, if the cases to which I have referred, together with other facts known to this committee, are not satisfactory, ask the Cherokees, whose rights and injuries have been the subject of investigation in our courts; even they will bear testimony in our favor—they will tell you that they have ever found ready access to the justice seat, and a listening ear to their complaints. Yes, sir, I feel proud that I can stand up here, and proclaim to the Representatives of the American people that the records of our courts furnish no unjust judgments against our red neighbors—our altars have never been crimsoned with the blood of an innocent Cherokee; and, at this moment, the gloomy cells of our penitentiary can furnish witnesses who will testify that the rights of the Indians are not to be violated with impunity.

I will now recur to another, and a very striking part of the remarks of the gentleman from New York. Towards the close of his eloquent argument, he took up this book, [Jefferson's Memoir] and told us that he then held in his hand an authority which could not be resisted; that it had, probably, never been seen before by any gentleman here; and that it must seal the lips of every friend to this bill, who had any reverence for those whose opinions he would presently read. Sir, the committee cannot have forgotten the gentleman's impressive manner, nor the sarcastic tone with which he prefaced his reading with the remark that they were the sentiments of "the mind that founded and the mind that reformed our political system."

But let us examine a little into these conclusive and irresistible authorities, and see whether indeed "our affairs have grown thus desperate." In this [the fourth volume of Mr. Jefferson's Memoir, &c.] we find what appears to be an extract from his journal. It seems that, during the existence of hostilities with the northwestern Indians, in the year 1793, and while preparations were making for a vigorous campaign, General Washington advised with his cabinet as to the propriety of making one more effort to restore peace, and prevent the effusion of blood; and it was in answer to certain questions submitted by the President, that Mr. Jefferson gave the opinion which was read by the honorable gentleman from New York. What those questions were, we cannot ascertain; but, from some of Mr. Jefferson's remarks, it would seem that they related to the boundaries which should be proposed to the Indians to be established between them and the whites. And here let me remind the committee, that, at the time this opinion was expressed, the cessions of the territory northwest of the Ohio had already been made to the United States; it was their property; no part of it was enclosed within the limits of any of the States. Let it also be remembered that, at that time, the nature of the Indian title had not been seriously investigated—the principles on which their claims rest had not been settled. It was under these circumstances, at that early period, that Mr. Jefferson gave this opinion, which I will again read to the committee:

"I considered our right of pre-emption of the Indian lands not as amounting to any dominion, or jurisdiction, or paramountship whatever, but in the nature of a remainder, after the extinguishment of a present right, which gives us no present right whatever, but of preventing other nations from taking possession, and so defeating our expectancy; that the Indians had the full, undivided, and independent sovereignty as long as they chose to keep it, and this might be forever."

Sir, there is no man who has a higher reverence for the opinions of Mr. Jefferson than I have—not even the honorable gentleman from New York; but if he intended to be understood as advancing the opinion that the Indian tribes possess entire and unlimited sovereignty over the country which they claim, I cannot yield my assent. The decisions of the Supreme Court, the writers on national law, and

* Judge Clayton.

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almost every distinguished man who has expressed an opinion on the subject, are opposed to this doctrine.

But, although Mr. Jefferson uses the expression, "full, undivided, and independent sovereignty," I very much question whether he intended to go to the extent which these words import; for, immediately preceding them, he says that we have the right of "preventing other nations from taking possession of the Indian lands, and defeating our expectancy." Here he qualifies this sovereignty at once; for, if the Indians possessed "full sovereignty," they could dispose of the country to any other nation—the denial of the right to do this is a very material and important abridgment of their sovereignty. But the opinion proceeds further: "That as fast as we extend our rights by purchase from them, (the Indians,) so fast we extend the limits of our society; and so fast as a new portion became encircled within our line, it became a fixed limit of our society, that the Executive, with either or both branches of our Legislature, could not alien any part of our territory; that, by the law of nations, it was settled that the unity and indivisibility of the society was so fundamental, that it could not be dismembered by the constituted authorities, except when all power was delegated to them, (as in the case of despotic Governments,) or, second, where it was expressly delegated; that neither of these delegations had been made to our General Government, and therefore that it had no right to dismember or alienate any portion of territory once ultimately consolidated with us; and that we could no more cede to the Indians, than to the English or Spaniards, as it might, according to acknowledged principles, remain as irrevocably and eternally with the one as the other."

Here we have another instance of the devotion of this illustrious statesman to his favorite doctrine of confining the Federal Government to the powers expressly delegated to it. And after a refusal of the convention to give this Government the power of fixing the limits of the States then existing, and with the provision in the constitution, that no new State shall be erected within the bounds of any other State without its consent, I put it to the candor of the gentleman to say whether Mr. Jefferson would have sanctioned the idea, that, by a treaty with an Indian tribe, this Government could have authorized the establishment of an independent, sovereign Government within the limits of one of the States. Sir, it would be doing violence to the first principles of his political creed.

The other authority, on which the gentleman so much relied, was the fact of General Washington's asking the advice of the Senate as to treating with the Cherokees in the year 1795, and whether he should propose to guaranty to them their lands not ceded. Now, here the committee will remark, that, at that time, the population of Georgia was sparse, and her frontiers exposed to continual ravages and murders by the Indians; nearly the whole of the country, from the Oconee and Altamaha to the Mississippi, was in the possession of numerous and fierce tribes: and for the purpose of arresting bloodshed and all the horrors of an Indian war, these propositions were submitted. In addition to this, the guaranty had been previously made by the treaty of Holston. Under this existing emergency, then, the Senate advised that the guaranty be proposed. The constitutional power to give it does not seem to have been agitated; and although, as I think I have clearly shown, the power did not exist—particularly if it extends to authorize the Cherokees to establish an independent Government—there was some excuse for it in the motive which prompted it.

But does the honorable gentleman from New York perceive the difficulty in which he involves himself by insisting so strenuously on the effect of this guaranty? For if the original title of the Cherokees be valid, wherefore the necessity of a guaranty? This could not strengthen a title already complete. And if their claim was not valid, it

could not be made so but by vesting in them the paramount title, but this the United States could not do, because they had no right whatever to the territory in question. Take either horn of the dilemma, then, and the argument is unavailing. If the original title was good, the guaranty was superfluous—if it was not good, the guaranty could not aid it. But neither General Washington nor the Senate intended any thing more by this guaranty than protection to the Indians in the possession of their lands—and this General Jackson has assured the Cherokees they shall have, if they choose to remain where they now are. These, then, sir, are the imposing authorities which the honorable gentleman has presented in such terrible array against us. It remains for the committee to say whether he has not over-calculated the effect which they were to produce on the principles asserted and maintained by the State of Georgia.

Notwithstanding, however, the gentleman conceived himself so ably sustained, we could but remark the despondency indicated by his closing remarks. The Senate, he tells us, have yielded—they have registered the executive edict, and responded the servile "amen" to the royal mandate—and that here is the last hope of the Cherokee. But fearful that the powers of his eloquence, and the pathetic appeals to our sympathies, may all prove unavailing, he at last attempts to terrify us. "Pass this bill," he exclaimed in a most solemn manner, "and the Indians must remove. Yes, sir, they will go; and, from the gloomy wilds of the Mississippi, they will send back upon you their bitter execrations." Sir, the gentleman again draws on his imagination: here I have the advantage of him—I appeal to facts. Hundreds of the Cherokees have already removed to that country, and we have never heard that they have execrated us for inducing them to go. Others have explored the country, and have brought back a good report, and will remove if the means are provided. In travelling through the nation last spring, I saw an Indian countryman just preparing to emigrate; and his anticipations were very different from those of the honorable gentleman from New York. He was a man of large family and considerable property; his improvements had been valued, and he was to set out in a few days; he expressed himself perfectly satisfied with the terms on which he was removing, and appeared delighted at the prospect his new home presented. Sir, I do not think this individual had laid up any bitter execrations to send back upon us. No, sir, these execrations come from a different point of the compass.

But I must hasten to a conclusion. There are other points on which I intended to have touched, but I have already so far transcended the limits I had prescribed for myself, that it would be inexcusable in me longer to abuse the patient attention which has been so indulgently extended to me. Permit me, however, before I close, to ask the committee, if they refuse to pass this bill, what course this Government will adopt. Will they attempt to interfere with the jurisdiction of the State of Georgia, and arrest the operation of her laws over the Indians? Sir, this is a most momentous question. We are indeed brought to a crisis—we are upon the very banks of the Rubicon—a very narrow boundary divides you from State jurisdiction—cross it, and we may not be able to calculate the consequences—there may, then, indeed, be scenes and subjects abundantly sufficient for the exercise of all the feelings of philanthropy. I tell you, sir, Georgia has taken her course, and she will not retire from it. Nor has she acted hastily; eighteen months ago she gave notice of her intentions, and at the last session of her Legislature she resolved to carry those intentions into execution. Sir, her laws will be enforced: of this an earnest has already been given. It has been recently determined by one of our courts, that the State's right of jurisdiction does extend over the whole of the territory within her chartered limits; and the courts will be sustained by the people. I hope I am not misun-

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derstood in these remarks; they are not made in the spirit either of threatening or defiance—far from it. On the contrary, our people implore you, by all the ties which bind us together—by the common sufferings, and dangers, and triumphs of our ancestors—by the principles of that constitution by which our rights are secured and protected—not to violate the rights of Georgia as a sovereign member of this Union, nor interfere with the exercise of her legitimate powers. But do not mistake this appeal—it is not the entreaty of suppliants; it is the sincere and affectionate remonstrance of brothers—of a generous and high-minded people. And will you disregard them? Will you turn a deaf ear to our appeals, and resolve, at all hazards, to prevent the exercise of those rights which the State of Georgia brought with her into this Union—which she has never yielded—which most of her sisters have long exerted without interruption—and which have been but now recognised by the President of the Senate? And if you should, is it reasonable to suppose that Georgia will submit to be restrained from the exercise of these rights by the arm of the General Government? No, sir, I assure you she will not—her course is determined on, and she will pursue it with a resolution which no threats can intimidate, but with a justice and moderation which will leave no cause for reproach.

[Here the debate closed for this day.]

TUESDAY, MAY 18, 1830.

THE SALT DUTY.

The House resumed the consideration of the resolution of Mr. TALIAFERRO, proposing a gradual repeal of the duty on salt—the motion for the previous question pending—which being announced by the Chair,

Mr. BURGESS moved a call of the House.

Mr. CHILTON deprecated any attempt to defeat the proposition by unnecessary motions, which could only produce delay. He hoped gentlemen would not endeavor, by such means, to prolong a tax which grinds the people in the interior of the country to a degree which gentlemen on the seaboard had no idea of. While the latter were wallowing in luxury, the poor people of the interior had often to sell their very clothes to procure salt, without which they could not subsist. The high duty on this necessary of life produced extreme distress amongst hundreds and thousands of the people of the West—he might call them scenes of carnage—which the gentleman from Rhode Island could not look upon with composure. He entreated him, therefore, to withdraw his opposition to the resolution, and that other gentlemen would not endeavor to embarrass the proposition by useless motions.

Mr. BURGESS replied, and justified his motion for a call of the House. His object was not to embarrass the proposition, but to obtain a full House for its decision, and that whatever was done on a subject so important should be done by a majority. As to the duty itself, he was opposed to its repeal, not because he wished to keep a high tax on the people, but to preserve a system by which salt as well as other necessities would become cheaper, &c.

Mr. HOFFMAN rose to justify his course in the motions which he made on this subject, and was proceeding to make some remarks, when

Mr. McDUFFIE rose to a question of order. He hoped the time of the House would not be consumed by debate which was out of order; and, as it was out of order to debate the resolution on the motion for a call of the House, he trusted the rule would be enforced.

The CHAIR sustained the call to order, and required the member to confine himself to the precise question, which was on a call of the House.

Mr. HOFFMAN said, he intended only to reply to remarks which had been permitted to be made. He avowed that, as the mover of the resolution had followed up its

introduction with a motion for the previous question, he felt himself justified in embarrassing the resolution by all the means which the forms of the House permitted him to use.

The motion for a call of the House was negatived without a division; and

The House refused to second the call for the previous question, 79 rising for it, and 89 against it.

Mr. REED, of Massachusetts, then offered the following substitute for the resolution, viz.

“That the Secretary of the Treasury be instructed to inform this House, at the next session of Congress, 1st. The quantity of salt manufactured at the various salt works in the United States, and at each factory. 2d. The price exacted for salt at each of the manufactories. 3d. The quality of the salt manufactured at each of the manufactories. 4th. The prices of salt in various parts of the country.”

Mr. REED followed his motion to amend with an argument of considerable length, to show the impropriety of hasty action on so important a subject, without full information on it. He combatted, by a train of reasoning, the fallacy, as he conceived it, that the repeal of the duty on salt would render the article cheaper, or conduce to the general interest; stated briefly the reasons why he was opposed to the tariff laws, and his objections, since the system had been adopted, to breaking in upon it to relieve the pressure upon one interest, while others were suffering a greater pressure; and mentioned particularly the navigation of the country, in which every person in the Union was interested, and which was depressed by a heavy tax, and the only direct tax imposed by the Government. He was willing to go into the tariff subject generally, for the purpose of better adjusting and equalizing the system; but was decidedly opposed to picking out one subject of duty alone, and which was, in fact, beneficial to the country. Before he had concluded his remarks, he gave way to

Mr. TALIAFERRO, who said, if it was in order, he would withdraw his resolution; and was proceeding to explain his reasons for so doing, when he was admonished by the Chair, that, if the motion was withdrawn, it would be irregular to make any remarks. Mr. T. acquiesced, and the resolution was withdrawn.

REMOVAL OF THE INDIANS.

The several special orders of the day were then, on motion of Mr. BELL, further postponed, and the House again resolved itself into a Committee of the Whole, Mr. WICKLIFFE in the chair, on the bill to provide for an exchange of lands with the Indian tribes, and for their removal beyond the Mississippi.

Mr. EVANS said: The object of the bill under consideration has been fully stated by the chairman of the Committee on Indian Affairs, [Mr. BELL] and by the gentlemen from Georgia, [Messrs. LUMPKIN and FOSTER] who have preceded me in this debate. It proposes, as they have correctly said, an appropriation of money to be expended by the President in effecting the removal of the Indians now residing within the limits of the States and Territories, to a new residence west of the Mississippi. We have been told that this has long been the settled policy of the Government; and gentlemen express much surprise that any opposition should now exist to the accomplishment of an object so often sought, and represented as highly desirable. Sir, if this has been the settled policy of the Government, which I shall not now stop to consider, there has been also another policy and another practice pursued towards the Indian tribes which Providence has cast upon our care, that seems at the present juncture to be wholly forgotten. It is this: in all our relations with them, to respect their rights of soil and of jurisdiction—to treat with them as free and sovereign communities. We have uniformly acknowledged the binding force of our engagements with them, and we

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have promised that we would be faithful and true in the performance of all our stipulations. We have never attempted to drive them from their ancient possessions, nor to permit others to do so, by withholding our promised protection. We have never endeavored to deceive them as to the nature and extent of their rights, nor to intimidate them into an acquiescence with our wishes. Is such the language now addressed to them? Is such the course now about to be pursued? Sir, when gentlemen refer us to the past policy of the Government, and ask us still to adhere to it, I tell them to take the whole policy together. Hold out as many inducements as you please, to persuade the Indian tribes to exchange their country for another beyond the Mississippi, but at the same time assure them that until they freely and voluntarily consent to remove, they shall be protected in the possession and enjoyment of all the rights which they have immemorially possessed, and which we have recognised and solemnly guaranteed to them in subsisting treaties. But the gentlemen have said, and reiterated, that the bill contemplates only the voluntary removal of the Indians, and they are astonished that the proposition should meet with any opposition. Sir, have they yet to learn that there is no opposition to their free, unconstrained, voluntary removal? Has any man, upon this floor, or in this Congress, opposed it? Do the numerous memorials which weigh down your table, oppose it? The honorable member from Tennessee, [MR. BELL] to sustain his assertion that the public mind had been perverted, deceived, and misled upon this subject, said, that the uniform language of all the petitions was, that the Indians might not be coerced and compelled to remove—that the public faith might be kept and redeemed. Now, sir, is there any remonstrance against the voluntary removal of these tribes? Is there an objection to it from any quarter, unless it is to be accomplished by coercion, or force, or withholding from them that protection which we are bound to afford? I know of none; and I tell the gentlemen, once for all, that the only opposition is, to a forced, constrained, compulsory removal. The gentleman from Georgia, who first spoke upon this subject, [MR. LUMPKIN] has gone further, and discovered the sources of the opposition, and the motives from which it springs. He has told us that it has its origin among enthusiasts in the northern States, who, under the pretence of philanthropy and benevolence, have acquired a control over the Indian councils—have sent missionaries among them, who “are well paid for their labors of love,” and who are actuated by a sordid desire for “Indian annuities.” The gentleman has reproached the memorialists who have addressed us, as “intermeddlers” and “zealots,” and expresses his strong disapprobation of appealing to religious associations, or intermingling religious considerations in aid of political and public objects. Sir, I am not about to vindicate the policy which the gentleman has reprobated. The occasion does not call for it. But does he know upon whom his reproaches fall? Does he remember the first pamphlet which was laid upon our table, in reference to this subject? It is entitled “Proceedings of the Indian Board in the city of New York;” and I call the attention of the gentleman to it, if he wishes to ascertain who are endeavoring to enlist religious societies and associations in the concerns of Government. What was the origin of this “Indian Board?” and of whom is it composed? It originated with the Government. The Superintendent of Indian Affairs, acting under the auspices, and by the direction of the Department of War, opened a correspondence with divines in that city—he invited the formation of the society for the purpose of aiding the objects of Government—he was sent on to deliver an address explanatory of the purposes of the administration, and to assist in the establishment of the association. It was formed, and is composed chiefly of religious men, who have solely in view, I doubt not, the benefit and preservation of the Indians, and have been made to believe that humanity requires their removal.

Among these proceedings, I find, also, a letter written by the superintendent, under the direction of the Department of War, to a gentleman in Boston, (J. Everts, Esq.) upon the same subject—disclosing the views of the Government, and soliciting his attention to the condition of the Indians, and inviting his co-operation in measures calculated to improve their situation. The gentleman from Georgia has alluded to a series of letters with the signature of William Penn, and has denounced the author as an “intermeddler” in matters which do not concern him, and “a zealot,” intruding his opinions upon this House and upon the country. Now, sir, in attributing these letters to the gentleman I have already adverted to, (Mr. Everts,) I disclaim all knowledge of the fact that is not common to every member of the House. I know him only as possessing a reputation for intelligence, philanthropy, benevolence, and untiring zeal in the promotion of human happiness, which any one upon this floor might be proud to possess. Is he an intermeddler? Has he obtruded his opinions upon this subject? Sir, was he not invited and solicited to its consideration? He was; and he did consider and investigate, and has given the result of his researches and reflections. What was he to do? Hold his opinions in subserviency to the will of the Government? Do gentlemen forget in what age and in what country we live? Are we retrograding, while the spirit of free inquiry and unrestrained opinion is pushing its onward progress even under monarchies and despotisms? Is it in this country only to be met with checks and rebukes? Sir, have the free citizens of this nation no right to investigate subjects so highly interesting to our national prosperity and character, and to form opinions, except in accordance with the views of Government? The gentleman regards it perfectly proper and correct to form religious associations, and issue pamphlets even in the northern States, when the object is in aid of his designs. But when a sense of right and justice and humanity leads to a different conclusion, then the gentleman can hardly find terms strong enough to express his abhorrence of intermingling religious considerations with political movements. Sir, I wish gentlemen would fairly meet and answer the arguments which have been addressed to us, and not content themselves with the use of harsh epithets, and the imputation of base motives. When was this complaint about enthusiasm and mixing religion with politics first heard of? Missionary establishments had long existed among the Indians, with the approbation and by the aid of Government. Their object was to ameliorate the condition and elevate the character of these tribes, thereby rendering them better neighbors to Georgia, and essentially promoting her interests. Not a syllable of complaint was heard. Georgia was perfectly satisfied, and the other States were left at full liberty to send their missionaries, and expend their funds in improving the Indians within her border. But, when a new crisis has arisen, and the claims of these Indians to their own lands come in question, then, if they are found not to coincide in the schemes of Georgia and of the administration, it is all “enthusiasm,” “fanaticism,” “sordid interest,” “selfishness,” “delusion,” “hypocrisy.” I do not know, sir, that it is necessary for me, or for any one, to stand here in vindication of the motives of those intelligent and estimable men who have devoted time and treasure in the benevolent purpose of converting the Indians to civilization and christianity—who have established schools and churches, and have been the means of their improvement and advancement in the arts of social life. The country will do justice to their motives and their actions. It is one thing to make an impeachment, but quite another thing to sustain it. The gentleman has been liberal in accusations of the most odious complexion—and by what are they sustained? By that gentleman’s opinion, and by nothing else—he brings no facts to corroborate it; and he must pardon me if I decline to adopt his conjectures, or to regulate my action in any

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degree upon assumptions for which I discover no foundation.

But the gentlemen inquire why any opposition should be made to the bill, which contemplates only the voluntary removal of the Indians; and they complain of great misrepresentation on the part of those who oppose it, because they hold out the idea that force is to be used, and they strenuously deny that such a purpose is cherished in any quarter. Now, sir, if the gentleman had confined his denial to the intentions of the Government of the United States, it is very possible he may be correct. I do not know that the administration means to employ any force; but if that gentleman meant to assert that the Indians within the limits of Georgia are not to be operated upon in a compulsory manner, from some other quarter, I do not assent to his position. I believe they are. It may not, to be sure, be by an army in the field, advancing to the sound of drum, with banners displayed, to drive them from their homes, at the point of the bayonet. But, sir, is there no compulsion except military compulsion? Can men be coerced by nothing but guns and bayonets? I say that those Indians are not to be left in circumstances where they can act in an unconstrained and voluntary manner. And when the gentleman inquires why we oppose the bill, I tell him because it does not provide for the exigency of the case. It does not provide for the security and protection of the Indians in their possessions and rights. It does not answer their demands upon us. Though this bill professes in itself nothing hostile, yet, if its effect will be to leave the Indians in circumstances where they can make but one choice, then it is clear that they are compelled. For what is compulsion, but placing men in circumstances where they have no alternative left them? The gentleman affects to be greatly amazed that we do not at once assent to his bill. But supposing that the bill shall pass, and the Indians shall not choose to leave their homes, I ask the gentleman, will they be left in the same situation in which they have hitherto been placed? Will they be permitted to enjoy the undisturbed possession of their soil and jurisdiction? If so, and no external bias or oppression is to be brought to bear upon them, and they shall be left perfectly free and independent, as they were left when previous laws have been passed, relating to the removal to which the gentleman has referred, then I am content. We have not a word to say. But it is not so; and the gentleman knows it is not so. He says no force is to be applied. Oh, no. No force. Only the laws of Georgia are to be extended over them! Their ancient customs, laws, usages, are to be abolished—their council fires are to be extinguished—their existence as a political community to be annihilated. Sir, in what manner has this subject been brought before us? The President, to be sure, has called our attention to it in his message, and recommends the measure proposed in this bill. But, beside this, we have urgent memorials from the Creeks and Cherokees, reminding us of our treaties and our engagements to them, and demanding the fulfilment of those stipulations. What answer do we propose to give? They ask, will you perform your engagements? We reply, we will help you to remove further into the wilderness. Is this such a reply as we are bound to give? They tell us they wish to remain, and to be protected, where they now are; and I object to the bill because it does not furnish this protection. For what purpose does Georgia extend her laws over these Indians, but for compelling them to remove? To enable her to get possession of the land? What does Georgia gain by legislating over these Indians, unless it be their lands? We all know the nature of the claim which Georgia sets up—that the soil of the Indian country belongs to her—that its jurisdiction is in her—that the Indians are tenants at her will, whom she may at any time remove—that, before the compact of 1802, she had a right at any time to take the land by force, and that she has hitherto forborne only because the United

States had engaged to extinguish the Indian titles for her. She says, expressly, “that the land is hers, and she will have it,” but that she will not resort to violence “until other means have failed.” Other means, then, it seems, are first to be tried; and, if they fail, the obvious consequence is, that she will resort to violence. Now, what are these other means? The gentleman from Georgia has told us, that, after having long exercised great forbearance, Georgia has, at length, caught a gleam of hope from the elevation of our present Chief Magistrate, and the recognition by him of her long delayed rights. Give me leave to tell the gentleman that the President has never recognised the rights which Georgia claims, unless the right of jurisdiction, which the President admits to be in Georgia, be equivalent to the right of soil which Georgia claims—unless it give also a title to the land; for this she is to get by violence, if other means fail.

[Here Mr. LUMPKIN interposed, and denied that he had ever said that Georgia meant to resort to violence in any case.]

Sir, I did not charge this language upon that gentleman; he is not authorized to speak as to what Georgia will or will not do. The language I have cited, and the principles avowed, are to be found in a report and resolutions adopted by the Legislature of that State in 1827; they are the solemn declarations by the State of the policy which she means to pursue. The gentleman said, to be sure, that perhaps the language of that report was too strong; and probably the State of Georgia will say the same thing now. Why? Because she feels sure of getting the land without violence. Other means are in progress, which must be successful. Is it not apparent that the object of extending her laws over the Indians is to drive them across the Mississippi? And now they tell us that no compulsion is contemplated. Sir, if compulsion is not contemplated to be practised, it is contemplated to be permitted. The Indians tell us that they cannot remain under the laws of Georgia; and the President himself, and the Secretary of War, say, in so many words, to the Indians, that their only means of escaping this dreadful calamity is to emigrate to the West. The tenor of all the language employed, proceeds upon the idea that it is a calamity which they cannot endure. And this is no new idea. A gentleman, not now a member of this House, in a report made upon this subject to a former Congress, has truly said “that such a measure must prove destructive to the Indians.”

I have said that the President had not recognised the rights of Georgia, as Georgia lays them down. What is his language? He says, through the Secretary of War, to a delegation of Cherokees, “An interference to the extent of affording you protection, and the occupancy of your soil, is what is demanded of the justice of this country, and will not be withheld.” It seems, then, that they are to remain in the occupancy of their soil. But this is not compatible with the claims of Georgia. Where does the gentleman discover his ray of hope, but in the assurance that the operation of the laws of Georgia will compel the Indians to abandon their country?

The chairman of the committee takes the same ground, and says that it is no great hardship for the Indians to be brought under the laws of the State, in as much as they will still “enjoy their own lands;” and “as it is understood” that the States do not contemplate to take the land away from the Indians by force, there can be no harm in passing this bill. I do not know whence the gentleman derives this “understanding.” I, for one, understand no such thing. I understand that the States do mean to have the land. It is the land they want: Georgia claims, by the compact of 1802, that the Indian title shall be extinguished, in order that the land may come into her possession. Has she ever claimed the mere sovereignty, as such? Never—but always the land. When, therefore, the honorable chairman says “it is understood,” I say that it is not understood,

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and that it cannot be understood, from the public acts of the State. Is there any man on this floor entitled to speak in the name of a sovereign, independent State, as to what she will or what she will not do? And this, when she tell us that the land is hers, and that she "will have it," though she will not resort to violence until other means fail. These other means are her laws. If she extends them over the Indians, and the Indians still remain where they are, then, clearly, the other means will have failed; and then, if we may believe her own words, she does mean to resort to violence. When the gentleman therefore says that it is with great satisfaction he observes that the President recognises the rights of Georgia, I tell him the President does no such thing, and that Georgia will be as little satisfied with this Executive as she was with the last, if he protects the Indians on any terms in the occupancy of their lands. Sir, I have been endeavoring to show that the object and intention of Georgia, in extending her jurisdiction over the Indian tribes, is to compel them to remove. Such will be its effect. Upon this subject, hear the commissioners who were sent last year to negotiate with the Indians for their removal:

General Carroll to the Secretary of War, describing the difficulties he met with in inducing the Indians to emigrate, says, "The truth is, they rely with great confidence on a favorable report on the petition they have before Congress. If that is rejected, and the laws of the States are enforced, you will have no difficulty of procuring an exchange of lands with them."

General Coffee, upon the same subject, says—"They express a confident hope that Congress will interpose its power, and prevent the States from extending their laws over them. Should they be disappointed in this, I hazard little in saying that the Government will have little difficulty in removing them west of the Mississippi."

I think it can require no further proof to satisfy us that the legislation of Georgia is designed, and will have the certain effect, to coerce the Indian tribes, and to compel them to seek a new home beyond the reach of the avidity and oppression of the white man, if such a spot remains to them of all their once vast domains. Yet we are told that this removal is to be purely voluntary; and gentlemen point us to the bill, and say, there is no compulsion there. No, sir, and there is no protection there.

I shall proceed now, sir, to consider the general subject of our relations to some of the Indian tribes who are to be affected by this bill, and who have invoked our protection; the obligations we have entered into with them; the claims they have upon us; and the duties which we are bound, by the most solemn stipulations, to perform toward them. In this question are involved the rights of Georgia, as a member of the Union, and the powers of the General Government over Indian tribes resident within the borders of a State. These topics have already been so fully and ably discussed elsewhere, and so eloquently and elaborately debated here by the honorable member from New York, [Mr. STORAS] that I am sensible very little remains to be said. I shall endeavor, as far as possible, to avoid the repetition of arguments and authorities which have been used by others much more ably than I could hope to do. Our relations with the Indian tribes upon whom this bill is designed to operate, grow out of treaties entered into between them and the Government of the United States. With the Cherokees, who are more directly concerned in this question than either of the other tribes, we have negotiated not less than sixteen. The first was that of Hopewell, in 1785, entered into by Congress under the articles of confederation. This was a treaty of peace, and terminated a war which had existed between them and the United States. The Cherokees placed themselves under the protection of the United States, and "of no other sovereign whatever." After the adoption of the federal constitution in 1791, the trea-

ty of Holston was formed; which was also "a treaty of peace and friendship." The tribe again placed itself under the protection of the United States, and "of no other sovereign whatever," and stipulated that they would "not treat with any foreign power, individual State, or with individuals of any State." A liberal cession of territory was made to the United States; and the United States, by the seventh article, "solemnly guarantied to the Cherokee nation all their lands not hereby ceded. Various other treaties have been made since that time, by which a large territory has been acquired, and renewed guaranties given. These treaties have been negotiated by every administration, except the last—have been confirmed by every Senate, and approved and sanctioned by every House of Representatives in the appropriations they have made to carry them into effect.

By these treaties we have recognised the Cherokees as a "nation"—a political community, capable to contract, and to be contracted with. We have received them under our protection and sovereignty, and prohibited them from treating with any "individual State," or placing themselves "under any other sovereign whatever." We have admitted their title to the lands in their occupancy—have paid them for the cessions they have made, and solemnly guarantied to them "their lands." Yes, sir, "their lands," which had not been ceded. All these rights they claim of the United States, by virtue of treaties still subsisting. But we are told that they are not a nation or community, and the laws of Georgia have abrogated and dissolved their political character, and incorporated them as citizens of the State, subject to its laws. The party with whom we contracted is annihilated. This is the first infraction of which they complain. They are now claimed as under the sovereignty of Georgia alone, though we had received them under our sovereignty, and guarantied to them our protection. Of these they also complain as a violation of our treaties. The lands which they occupy are denied to be theirs; and Georgia says "she will have them." How does this claim comport with the obligations we have entered into? Our stipulation with the Indians is, that they are a distinct community, and have the power of holding their own land. This guaranty is about to be violated, and we are called upon to sit still and see it violated. Sir, I could go further. The guaranty in the treaty of Holston is a guaranty to the Indians as a nation. No individual ownership is therein recognised; and when individuals leave the tracts on which they have resided, those tracts revert, not to the United States, nor to the Government, nor to anybody else but to the nation as a nation. But this bill contemplates a separate negotiation with individuals, and it declares that all the land abandoned by individuals who become emigrants, reverts not to their tribe, but to the State of Georgia. We are called to pass a law exchanging land with private individuals, when we have guarantied the possession of that land to the Cherokee nation, as common property; so that we are not only to stand by, and see Georgia violate our faith, but to pass a bill—which very bill expressly violates it. The President tells us, Georgia had a right at any time to extend her laws over the Indians within her limits, and says that her doing so will be no violation of our guaranty. But I ask whether the laws of Georgia do not annihilate the party we contracted with. Georgia comes in, and says that all laws, customs, and usages of the Indians as a nation, shall be utterly obliterated. When this has been done, where, I ask, is the party with whom we contracted? I ask Georgia to show us the community with which we have entered into engagements. They will tell me there is no such party. The nation, as such, ceases to exist. But what has caused it to cease? The laws of Georgia. It is those laws that have violated our stipulation, and utterly annihilated the very party with whom we stipulated. It seems to me the gentlemen get into a dilemma—the

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ground they take is, that Georgia has a right to abolish the tribe, and to resolve it into its elements—as individuals, citizens of the State. Well, sir, grant this, and what then? Then they bring in a bill to enable the President to hold treaties—but with whom? With the tribe of Indians? With the Cherokee nation? Why, sir, that tribe is abolished—there is no Cherokee nation. With whom, then, is the President to make a treaty? With the Indians convened in council? Sir, they cannot convene—the laws of Georgia forbid it, and subject them to imprisonment and punishment if they do. They dare not assemble to treat, and yet the President is to hold a treaty with them! If the gentleman's positions are true, he will have nobody to treat with. Not with individuals—that is in the very face of our contract. I refer gentlemen to the treaty of Holston, where the guaranty is to the nation.

But we learn, as I have already had occasion to remark, that the construction which the President places upon these treaty stipulations is not “adverse to the sovereignty of Georgia.” While he admits the Indians to have a just right to the occupancy of the lands, he denies to them the right of jurisdiction and government over their territory. Sir, have we not received those tribes under our protection, and refused to permit them to become subject “to any other sovereign whatever?” Is this not “adverse to the sovereignty of Georgia?” The idea of separating the jurisdiction of a nation from the territory which it owns as a nation, is a modern discovery. And I yield so far to the argument of gentlemen on the other side, as to admit that the discoverer, whoever he may be, is entitled to the full credit and benefit of the discovery. Such was not the doctrine of Georgia in 1825. In the discussions which then took place between her Chief Magistrate (Governor Troup) and the Secretary of War, in relation to the treaty of the Indian Springs, the former said, “soil and jurisdiction go together; and if we have not the right of both at this moment, we can never have either by better title. If the absolute property and the absolute jurisdiction have not passed to us, when are they to come? Will you make a formal concession of the latter? When and how? If the jurisdiction be separated from the property, show the reservation which separates it: it is impossible.”

The argument then was, that jurisdiction was acquired by treaty, as well as soil. The argument now is, that jurisdiction always belonged to the State, and that compact is not necessary to confer it. The Governor inquired when and how you could obtain jurisdiction, if separated from the property, and declared that it was impossible. Sir, the doctrines then relied upon for the promotion of the interests of Georgia, are in direct collision with the doctrines now advocated for her benefit. Will she preserve consistency, or must new principles of law and right be discovered at every new emergency? The honorable chairman, [Mr. BELL] in his report upon this subject, says, “The fundamental principle, that the Indians had no rights, by virtue of their ancient possessions, either of soil or sovereignty, has never been abandoned, either expressly or by implication.” Sir, it might be answer enough to say that this principle has never been asserted, and to call upon gentlemen to prove its existence by other means than the absence of an abandonment of it. But, as the gentleman has chosen to state the proposition in this form, I will endeavor to show that it has been expressly abandoned, and by some of the States which are most interested in the passage of this bill. By the treaty of the Indian Springs, in 1825, with the Creek nation, all their land in Georgia, and a considerable portion of that in Alabama, was ceded to the United States. This treaty was annulled in 1826, for gross fraud and corruption, and a new treaty formed, ceding the lands in Georgia, but not those in Alabama. These States protested against rescinding the first treaty, because, as was contended, Georgia had acquired vested rights under it; the property in the soil,

by virtue of the compact of 1802. The lands in Alabama, upon the extinguishment of the Indian title, belonged to the United States, while those in Georgia, agreeably to our engagements in the compact, belonged to that State. These treaties became the subject of discussion in the Senate; and I will read a short passage from the debate: Mr. Benton, of Missouri, said “he thought that Georgia had no further cause of dissatisfaction with the treaty; it was Alabama that was injured by the loss of some millions of acres which she had acquired under the treaty of 1825, and lost under that of 1826.” “She had lost the right of jurisdiction over a considerable extent of territory”—lost the right of jurisdiction. So, sir, the doctrine then was, that right of jurisdiction was acquired by treaty; and when the treaty was rescinded, the right of jurisdiction fell with it. Mr. King, of Alabama, said: “The constitutional question, as regards Georgia, yet remains in force; and though it may not seem to apply to Alabama, I still think our rights were violated in annulling that treaty and adopting another.”

Now, the rights which Alabama acquired under that treaty were merely rights of jurisdiction: the soil passed to the United States. If, therefore, the complaint of the Senator was well founded, it was the right of jurisdiction which was taken away by the last treaty. If Alabama lost any rights by the abrogation of the first compact, it was that of jurisdiction. Yet the argument now is, that the State always had jurisdiction anterior to all treaties, and by virtue of it her laws have been extended over the whole Indian country. But, sir, there is a more direct renunciation of this doctrine still.

In the session of 1826, a Senator from Mississippi (Mr. Reed) moved a resolution of inquiry into the expediency of authorizing process, both civil and criminal, to be served upon persons, citizens of the States, who had fled to the Indian territory for protection. The resolution proposed no other action than upon citizens of the United States. In explanation of his views, Mr. Reed said, “he presumed it was already known that more than half of the State of Mississippi is still in the occupation of the Indian tribes, the Choctaw and Chickasaw nations. In regard to the action of the State laws upon these people, there never had been any difficulty, nor was it ever sought, on the part of the State of Mississippi, to extend its jurisdiction over them.” “His object was to call the serious consideration of the Senate to the condition of our own citizens, who, after having committed crimes or contracted debts, locate themselves among those Indians, and consider themselves as beyond the jurisdiction of our laws.” * * * “He repeated, it was not sought, on the part of the State of Mississippi, or by her Senators in this House, to enforce the action of the laws on the Indians themselves; they did not claim to consider them as subject to their operation. The Indian tribes have laws and traditional usages of their own, and are entitled to the patronage and protection of the General Government.”

“At present, as far as he had been able to investigate the subject, it was the opinion of some able jurists on this point, that process does not extend to persons residing on the Indian territory—and he would wish to bring to the consideration of the legislative authority of the Union, the question whether it is competent for us to extend our civil and criminal process, or whether it is one of the appendages—one of these people's rights as sovereigns, to afford a sanctuary to vagabonds from every part of the Union.”

“At the last session of the Legislature of Mississippi, a proposition was made to extend the civil power of their courts to their own citizens who had contracted debts within the State, and had fled to this savage sanctuary; the matter was debated for many days, and it was at last decided that there existed no power in the State to extend its laws in the manner sought by the proposition.” * *

“Therefore, if there was any remedy on this subject to

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be obtained, it was to be at the hands of the General Government, and not by force of any competent authority in the State Government."

I think it sufficiently appears from the extracts I have read, that the State of Mississippi, so deeply interested in this question, and so anxious to maintain all its rights, has wholly repudiated, both by its Senators in Congress, and by its Legislature, the doctrine which the chairman asserts "has never been abandoned." Jurisdiction, in its most ample extent, is hereby conceded to the Indians; and if that State has more recently, under the auspices of the present Executive, adopted a different course, and obtained new views of its rights, it remains for it to justify its course to an enlightened public opinion, and to the scrutiny of the world. But, sir, by the eleventh article of the treaty of Holston, we have expressly recognised the Cherokee country not to be within the jurisdiction of any State. That article provides, that if any crime be committed within their territory, by a citizen of the United States, which "if committed within the jurisdiction of any State," would be punishable by the laws of such State, it shall be proceeded against in the same manner as if the offence had been committed "within the jurisdiction of the State, &c." Can any thing be more manifest than that the Indian territory was not to be deemed within the jurisdiction of the State? This is, in truth, a guaranty on our part that we will not invade their jurisdiction. And are we now to be told that we have given no guaranty "adverse to the sovereignty of Georgia?" Sir, is it becoming a great and magnanimous nation to fritter away its obligations—to search for nice distinctions and refined casuistry, to justify its violations of faith? I have been attempting to show, sir, that the idea of separating the right of jurisdiction from the right of soil is novel and unfounded; and that by our stipulations the right of jurisdiction is fully conceded to the Indian tribes within their own territories. If I have succeeded in this, it will hardly be contended that the soil is not theirs also. Indeed, I do not understand that the Executive or the committee assume the position that they have not a right to the occupancy of their lands, however Georgia may assert the contrary, and claim them as exclusively her own. It will not, therefore, be necessary for me to discuss the question, what rights have the Indians to their lands, more especially as the gentleman from New York [Mr. STORRS] has done it with so much ability.

I shall, however, notice hereafter some of the arguments which have been adduced to sustain the right which Georgia sets up to these lands.

The gentleman who last addressed the committee, [Mr. FOSTER] seems to be aware that the obligations and guaranties contained in our treaties do, in truth, conflict with the pretensions of Georgia; and he assumes the position that they are, therefore, unconstitutional and void. The same sentiment is advanced by the President, and by the Committee on Indian Affairs, if the meaning and construction of the treaties is such as we have endeavored to maintain. The ground taken is, that the United States had no right to enter into stipulations inconsistent with the sovereignty of Georgia: that we are under obligations to her which we must first discharge. Now, sir, it comes with an exceeding ill grace from us, when we are called upon to perform our promises, to return for answer that we had no authority to make them. Have we not received ample compensation for the promises made? Whether we had the authority or not, is a question between us and Georgia, and not between us and the Cherokees. They hold out warranty of authority; and shall we refuse to be bound by it? But if we had no right to make the contract, what is to be done? I presume, sir, it is to be rescinded.

If the treaty is not binding on us, can it be binding on the Cherokees? If we refuse to be bound by the guaranty, may they not refuse to be bound by the cession? The

one was the consideration for the other. Shall we restore them to their original condition? Shall we re-cede the territory? Gentlemen have foreseen the difficulty, and they say, as we cannot give back the land, we will make compensation; and what is the compensation which they propose? It is, that we should say to these Indians, move farther off—leave us—cross the Mississippi—go to the Rocky Mountains. This is our will, and you must obey. Sir, it requires two parties to make a contract, and the Indians do not agree to this mode of compensation. They tell us it is inflicting a deeper injury still. And now, sir, when we are about to compensate them for a violation of our faith, we propose to do it not as they will, but as we will—by withholding "our aid and our good neighborhood"—by permitting them to be driven into the recesses of the forests, to become the prey of more barbarous nations. And this we call compensation.

But why had we no right to enter into the stipulations? Gentlemen tell us that we are thereby erecting a State within the limits of another State, against the consent of the latter, which is expressly interdicted in the constitution. Sir, I deny the fact. I deny that, by any thing in the treaties, we do erect or form another State. If these Indian tribes are a State now, they were a State before. They obtain no additional authority from the treaty. They derive from it no political existence. The treaty merely recognised that which had existence at the time it was made. It gave the Indians nothing. They were as much a State before as they are now. But I ask, what is the true meaning of that term in the constitution? The "State" there mentioned, means a member of this confederacy—a State having all the prerogatives, and bound by all the obligations, which that instrument contained—that shall have representatives on this floor and in the Senate, and should have a voice in the election of President. The clause is simply a limitation of the power of Congress in the admission of new States into the Union. Sir, do we admit a new State into the Union when we acknowledge the Cherokees as an independent tribe? Do we restrict them as the constitution restricts the States of this Union? Do we confer powers and privileges which that instrument confers? We do not. When I heard gentlemen urge this objection, and talk about erecting a State within the limits of another State, I was astonished. It may be proper enough to call the Cherokees a "State," if we affix to that word some other meaning than it bears in the constitution; but "State," as there used, means neither more nor less than a member of the Union.

It is said, however, that these Cherokees are forming a Government, and are taking rapid strides to power. This position is equally untrue. They have not formed a Government. They always had a Government. They were ruled by councils, and by traditional laws; and all they have done is to put that which was formerly oral only, into a written form. This may be improving their Government, but it is not creating it, nor assuming any new power. They disclaim such an idea. But it is said that this recognition is inconsistent with the sovereignty and jurisdiction of Georgia. Do not gentlemen perceive that this argument assumes the whole question? The very question is, whether the sovereignty and jurisdiction of Georgia does or does not extend over the Cherokees. They assume the very question we are debating. They say that these lands lay within her chartered limits, and that therefore she has jurisdiction over them as a matter of course. "Chartered limits." "Chartered limits." Sir, one would think there was some magic, some charm in these words, which conferred immense powers, so great as to subvert all Indian rights whatever. But what are chartered limits? Certain lines described in charters derived from Great Britain. Gentlemen argue that the sovereignty of Georgia is derived from her chartered limits. Sovereignty follows them, as a thing of course. This

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brings us to a further question. What right had the Crown of Great Britain to grant these chartered limits, and to extend them round the Indian possessions? Did the Indians consent? No, sir. I shall be told that it was an act of sovereignty; and this brings us back again to the former question, whence comes your sovereignty? And thus we are reasoning in a circle.

The State has jurisdiction and sovereignty because it has received chartered limits, and it has chartered limits from its right of sovereignty. Each of these is the cause, and each the effect of the other. To such reasoning as this I have a short answer. I tell gentlemen that chartered limits are one thing, and jurisdictional limits are another. I deny that the two are co-extensive. Chartered limits convey no other right than as against those who grant the charter—no other power than to obtain sovereignty and jurisdiction from those who possess it, and could confer it. If the gentlemen mean to fix any other idea to the term chartered limits, then I deny that the Indians are within the chartered limits of Georgia, and I ask, how came they there? And here we come to an argument which has been much pressed. We are told of the right of discovery—that the discoverers had a right to plant colonies and to protect them, to drive off the hostile tribes: and we are further told that civilization has a superior claim over the savage life; that the earth was intended by Providence to be cultivated. The gentleman from Georgia [Mr. FOSTER] has read the opinions of eminent men to sustain these positions. Sir, these are very fine theories, and I shall not stop to question them; but they have nothing to do with the matter in hand. The question is, not what rights the first discoverers and settlers had, nor whether civilization might or might not lawfully usurp the possessions of the savage. All these might be very good considerations, and very interesting questions, before we entered into contracts with the Indians. But the simple question now is, what are their rights under these contracts? How have the natural, original rights of the Indians been modified, confirmed, and guaranteed by compacts? How have our rights as discoverers, or as civilized nations, been waived, defined, and limited by treaties? Surely it will not be contended that the rights of discovery or conquest, or civilization, are so sacred and immutable as to be incapable of change or modification by voluntary compact.

The rights of discovery have been so clearly defined by the honorable member from New York, [Mr. STROUS] and so ably expounded in the other branch of Congress, in debates now before the world, that I shall say nothing in relation to them, but to repeat, in a single word, that they are conventional rights between discoverers. As to the right derived from cultivation and civilization, when does it commence? Only when that part of the world inhabited by civilized man is full and overflowing, and a portion of its inhabitants are compelled, from the necessity of the case, to seek a new home. Civilization may not till then say to the savages—give ground, yield us more space. Now I ask whether Georgia, Alabama, or Mississippi are so densely populated that more land is wanting for their citizens. Are there not two hundred millions of acres belonging to the United States still unsold? Is not the population of these States sparse and thin? Let them wait till their own territory shall be filled up: then they may assert this right with a better grace. But then another question may arise on this very doctrine. The Indian territory may then be as dense in population as Georgia, and its inhabitants as civilized also. If that period should ever arrive, may not the Indians turn round on Georgia, and say, we are a civilized people; our country is full to overflowing, and we want some of your land to accommodate our suffering population. Will Georgia be willing to yield to such a claim?

Sir, the period is distant, very distant, when we can

make good a right to usurp the Indian possessions on the ground of the superior title of civilization. The gentleman from Georgia [Mr. FOSTER] read the opinion of Mr. Adams, the late Chief Magistrate of the Union, of Dr. Morse, and of some other person, said to be an eminent lawyer, upon this point; and how far did it meet the present juncture? The subject under consideration was the original right of the natives to the whole continent. Did he assert that the rights of civilization were so imperious and inexorable as to leave the Indian no spot of earth to rest upon? Does he deny that the right, whatever it was originally, may be modified by compact? Does he assert the monstrous position that when civilized man covenants with savage man, the compact is not binding? No, sir; he went into the question only as considered aside from all compacts and conventions, and the strongest language used was, "that the original right of the Indians had been doubted." None, surely, will contend that out of the rights of civilization grows a right to obliterate at will all your own agreements and promises. We stop here. We base our argument on the foundation of contract.

But to return, sir, to the question, what authority the United States had to enter into these stipulations. It seems strange to me that those who so strenuously deny it should account for its undisturbed exercise for so many years past. It was first exercised under the confederation, by virtue of which, the treaty of Hopewell was formed. The gentleman read an article in that instrument, to show that each State retained its own sovereignty, and hence he argues that the United States were divested of all power within the range of that sovereignty. But, sir, the rights retained were those not delegated. The States did delegate to the United States the right of peace and war; and they expressly interdicted that power to the States. "No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of delay," &c. Georgia could not, therefore, engage in war, except in the imminent danger provided for. As to peace, "the United States shall have the sole and exclusive right and power of determining on peace and war, except in the cases" mentioned before. The States had, therefore, no right to make war, except when under actual invasion, or imminent danger of invasion; but they had not the corresponding right of making peace, under any circumstances. The right of war was derived from the imminence of the danger, but the United States must come in, in order to conclude a peace. The treaty of Hopewell was a treaty of peace formed by virtue of this power.

It was made to put an end to war. Had the State of Georgia a right to conclude the peace? No, sir. The United States alone could do it by treaty. Is there any other mode? None. The gentleman complained, in respect to the treaty of Hopewell, that the Cherokees had acknowledged their dependence on the Government of the United States, had placed themselves under its protection, and under no other sovereign whatever. He said the Government had no right to make such a stipulation. But if the Government must conclude a peace, and all yield that, surely they had the right to fix the terms. Why was this objection not made at the time? I am told that Georgia protested against the treaty. I am well aware of it. The ground of that protest was, that the United States were assuming the right of regulating matters with the Indians which belonged to Georgia, and that the legislative right of Georgia had been expressly reserved in the articles of confederation. The article reads thus: The United States shall have the power of "regulating the trade and managing all affairs with the Indians not members of any State, provided that the legislative right

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of any State within its own limits be not infringed or violated." Georgia protested because she thought her legislative rights were infringed. Her protest was submitted to Congress in 1787, at a time when many of those who had formed the instrument of confederation were administering the Government, and must be supposed to know the extent of the powers which it conferred.

A long report was made in Congress upon the subject of the protest, denying the ground taken by Georgia and North Carolina, who had also protested, and affirming that the proviso had no such meaning as was contended. I will read a part of that report:

"But there is another circumstance, far more embarrassing, and that is, the clause in the confederation relative to managing all affairs with the Indians, &c. is differently construed by Congress and the two States within whose limits the said tribes and disputed lands are. The construction contended for by these States, if right, appears to the committee to leave the federal powers, in this case, a mere nullity, and to make it totally uncertain on what principle Congress is to interfere between them and the said tribes. The States not only contend for this construction, but have actually pursued measures in conformity to it. North Carolina has undertaken to assign land to the Cherokees, and Georgia has proceeded to treat with the Creeks concerning peace, lands, and the objects usually the principal ones in almost every treaty with the Indians. This construction appears to the committee not only to be productive of confusion, disputes, and embarrassments, in managing affairs with the independent tribes within the limits of the States, but by no means the true one. The clause referred to, is: "Congress shall have the sole and exclusive right and power of regulating the trade and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated." In forming this clause, the parties to the federal compact must have had some definite objects in view. The objects that come into view, principally, in forming treaties or managing affairs with the Indians, had been long understood and pretty well ascertained in this country. The committee conceive that it has been long the opinion of the country, supported by justice and humanity, that the Indians have just claims to all lands occupied by, and not fairly purchased from, them; and that, in managing affairs with them, the principal objects have been those of making war and peace, purchasing certain tracts of their lands, fixing the boundaries between them and our people, and preventing the latter settling on lands left in possession of the former. The powers necessary to these objects appear to the committee to be indivisible, and that the parties to the confederation must have intended to give them entire to the Union, or to have given them entire to the State. These powers, before the revolution, were possessed by the King; and exercised by him; nor did they interfere with the legislative right of the colony within its limits; this distinction, which was then, and may be now taken, may perhaps serve to explain the proviso, part of the recited clause. The laws of the State can have no effect upon a tribe of Indians, or their lands, within the limits of the State, so long as that tribe is independent, and not a member of the State; yet the laws of the State may be executed upon debtors, criminals, and other proper objects of those laws, in all parts of it; and, therefore, the Union may make stipulations with any such tribe, secure it in the enjoyment of all or part of its lands, without infringing upon the legislative right in question. It cannot be supposed the State has the powers mentioned, without making the recited clause useless, and without absurdity in theory as well as in practice; for the Indian tribes are justly considered the common friends or enemies of the United States, and no particular State can have an exclusive interest in the management of affairs with any of the tribes, except in some

uncommon cases. The committee find it difficult to reconcile the said construction of the recited clause made by the two States, and their proceedings before mentioned, especially those of Georgia, with what they conceive to be the intentions of those who made the said motion; for the committee presume that the delegates of Georgia do not mean that Congress is bound to send their forces to punish such nations as the State shall name, to act in aid of the State authority; to send her forces and recall them as she shall see fit to make war or peace. Such an idea cannot be consistent with the dignity of the Union, and the principles of the federal compact. But the committee conceive that it is the opinion of the honorable movers, and also the general opinion, that all wars and hostile measures against the Creeks, or any other independent tribe of Indians, ought to be conducted under the authority of the Union, at least where the forces of the Union are employed; that the power to conduct a war clearly implies the power to examine into the justice of the war, to make peace, and adjust the terms of it; and that, therefore, the terms or words of the said motion, if it be adopted by Congress at all, must be varied accordingly."

Such, sir, was the opinion of Congress of its powers under the confederation, and it practised upon that opinion. Not long after this, the present constitution of the United States was formed and ratified, Georgia assenting. One article of that instrument is: "All treaties made, and which shall be made, under the authority of the United States, shall be the supreme law of the land." The treaty of Hopewell was a treaty then "made." Its validity as a treaty had been already asserted by Congress. Georgia assented to this article of the constitution, thereby sanctioning the treaty of Hopewell, and giving it validity, if it had none before. Georgia yielded the point in controversy: by virtue, as she supposed, of her reserved legislative rights, she had made a treaty, and acquired lands by it. But of what use was that treaty and those lands to her? None at all. And, by the compact of 1802, she expressly stipulated that the United States should extinguish the Indian title to the county of Tallahassee—the lands which the Indians had before yielded. Sir, was not this an admission that the treaty which the State had previously made was of no validity; that the Indian title still remained to be extinguished? The confederation did not recognise the right of Georgia to make a treaty, and Georgia, therefore, did not acquire the lands, but had to call in aid the power of the United States to do it for her.

Such was the authority possessed by the United States under the articles of confederation, and such was the exercise of it. Not long after the treaty of Hopewell was made, and the powers of the General Government asserted in the report I have read, the present constitution was adopted, conferring upon the United States the same powers of peace and war—of regulating the affairs with the Indians, without the limitations as to the legislative rights of the States, which was the foundation of the Georgia protest. The restriction under the confederation was found to be embarrassing and obscure, and therefore was omitted; and, as Mr. Madison, in a number of the *Federalist*, referred to by the gentleman from New York, [Mr. SPOONER] says, was designedly omitted. The United States, therefore, derives its authority under the constitution, and, in the very same year in which it was ratified, commenced negotiations and concluded treaties with Indians living within the limits of a State. Did they do this incautiously, ignorantly? No, sir; they proceeded in the most cool and cautious manner. The Government was circumspect and deliberate. The then President did not take a single step without the previous consent of the Senate. He went to that body in person, and inquired whether he would be authorized to offer the guaranty and to pledge our faith. The response was that he should be so authorized. The States interested heard the stipulations which

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were proposed, and they set up no objection. It was proposed to them that the President should treat with the Indians within the limits of the State, and Georgia assented to it. And now are we to be told that the General Government had no authority, and that Georgia is not bound by the treaty? The treaty was made in conformity with their advice and consent, and was subsequently ratified by the Senate also, with the consent of Georgia; and are we now asked where was our authority to make it? Those who deny the right must account for so extraordinary a procedure.

Gentlemen say they can well account for it; and the solution is, that the treaty was for their benefit; and, therefore, though the United States had no authority to make it, yet that they submitted to it because it was for their interest, knowing all the time that the Government had no right to do it.

Sir, it is a well known rule in morals and in common sense, that every one making a promise is bound by it in the sense in which he knows the other party to understand it. When Georgia, therefore, laid by, and saw and knew the promises which this Government was making to the Indians, and yielded her assent, shall she be precluded from asserting that either she or we are not bound, according to the sense we then knew the Indians put upon those promises? By this rule our guaranty is to be measured; and I, for one, will never move an inch to relieve a State which thus lies by, and permits us to enter into engagements, and receives the benefit of our contracts; and at last comes forward with the complaint that we had no right to make them. I say to Georgia, if we had no right without your consent, your consent has been obtained. It is too late. You are estopped.

Sir, we have heard another doctrine, at which I was, I confess, both astonished and alarmed. We are told that these national treaties are "expedients," resorted to merely to accomplish our own ends, made for our interest, and to be construed for our benefit. We have a very extraordinary history of them in the sixteenth page of the committee's report. It is there said we were in a critical situation. Difficulties existed with respect to the forts on our western frontier, and above the Mississippi, with Great Britain and Spain. We had just come out of a long war, and were poor: that we were in no condition to incur Indian hostilities; and in this particular juncture General Washington was called upon to settle the mode of conducting our relations with the Indians tribes, and to secure our peace with them: that he adopted the practice of regulating our affairs with them by treaties. Sir, are they any the less obligatory because they were made when we were in difficulty? Had we told these Indians, we are now in a critical condition, we want you to treat with us, but, by and by, when we get out of trouble, and grow powerful and strong, we shall consider our compacts as expedients—mere matters of legislation over you; do you think they would have ceded their lands? If the Indians, in the day of our calamity, received our plighted faith, and yielded up their territories, so much the more reason is there that we should now observe them as sacredly binding upon us. There is a moral obligation, beyond all treaties, to keep our promises in good faith in the day of our strength and power, to which in the day of our weakness we were indebted for security and peace. Yet the gentleman at the head of one of the committees of this House has told us that these engagements were mere "expedients" to obtain peace and get the Indian lands. Sir, if such is that gentleman's opinion, I am sorry he expressed it to the world; for I am not willing to affix such a stigma on our national fame; I am not willing to commit the honor of this nation to the gentleman's keeping; and having, as one of the humblest citizens of the republic, some share in her faith and her character, I protest for myself, and for those I represent, against any such interpretation of our engagements.

The seventh article of the treaty of Holston contains the guaranty, of which so much has been said in this debate; and this is the explanation which the committee put upon that article—

"It was, therefore, thought necessary, in order to ensure peace, that some strong and decisive evidence should be given of the determination of the Government to prevent, by force, any further intrusions upon the lands reserved for the Indians, and a guaranty of their boundary was thought of as the means best calculated to effect that object. It was probably a device, adopted more for the intimidation of the whites, than for any effect it was likely to have upon the Indians themselves."

The guaranty was necessary to secure peace; in other words, the Indians would not make peace without the guaranty. But, instead of being for their benefit, and obligatory upon us, it was probably a device for the intimidation of the whites. Sir, I deny this assertion, and I call upon the gentleman to produce his authority for it. How absurd an idea! how utterly preposterous! Will the gentleman tell me that a solemn promise in a treaty with another party was not intended to have any effect upon those to whom it was made, but was a device to intimidate the party making it? Could we not intimidate and restrain ourselves by laws? I repudiate the idea: I cannot consent thus to fix an indelible stigma on the fair fame of my country. Sir, the language of the treaty was sincere, intended to be obligatory upon us, and should be observed most sacredly.

The great object of the gentleman is to procure the removal of the Indians; and to obtain their consent, he proposes in the bill that the President shall "solemnly guaranty"—the very words of the treaty of Holston—solemnly guaranty to them the country to which we propose to send them. The gentleman says that the guaranty in that treaty was "probably a device for the intimidation of the whites." Well, sir, let the project be executed, and, within a period that the gentleman may live to see, the whites will again press upon them, and say you must go—move farther west. When the Indians inquire for what cause, the same reasons will be given then that are given now. All history shows that if you remain near us you will be destroyed. The red man cannot live in contact with the white. Humanity and your own interests require your removal. Besides, we have a right to the land. Our ancestors discovered it. Are we not civilized? And has not civilization a right to prevail over savage life? Suppose it be so, reply the Indians, but we were sent here not by our consent but by your power; and did you not "solemnly guaranty" to us these limits? Very true; but were you so ignorant as not to know that our guaranty was only an expedient? only a device? Had you not sagacity enough to perceive that it was only a plan to get rid of you? to send you off out of the way? Were you not told by us at the time, that "Indian treaties were only a species of legislation?" Were you not told by a committee of Congress that these things were only a device? That in our conduct towards you "one of those expedients was to appear to do nothing which concerned" you, "either in the appropriation of your hunting grounds, or in controlling your conduct without your consent?" Nothing but appearance—really and truly we did as we pleased.

Sir, I have no doubt the gentleman is sincere in the guaranties he proposes to give, and intends to bind the nation in all future time. If he should live to see his assurances thus explained and chaffered away, he will feel something of the emotion which Washington and the fathers of the country would have experienced, could they have anticipated that their solemn assurances are to be thus lightly regarded.

[Mr. BELL interposed, and said the report had not been correctly understood—that he did not contend that the guaranty was not binding.]

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Sir, I regret very much if I have misrepresented any sentiment of the report. If the gentleman will point out any part of it which he wishes to be read, I will cheerfully do so, and abide by his correction.

[Mr. BELL declined.]

Sir, I have commented upon it as I understand it, and I quote the language which I find in it. The report gives another reason why the guaranty should not be understood in the sense we affix to it—

“The victory of the 20th of August, 1794, over the northern Indians, with whom the Creeks and Cherokees had kept up a regular correspondence; the expedition which was secretly planned, for carrying the war into the Cherokee country, and which was successfully conducted by the suffering frontier inhabitants; and the pacific dispositions of the Spanish authorities of Florida, which preceded the treaty of 1795 with Spain, were the actual restorers of peace.”

“After this time, the Government was under no obligation to renew the guaranty contained in the treaties of 1790 and 1791, with the Creeks and Cherokees, but, as it has done so, it only shows that that stipulation was not believed to affect the nature of the title by which those tribes held their lands, or to introduce any new principle in relation to their rights generally.

Thus, sir, it seems that our pacific relations with the southern tribes were the result of a victory obtained by General Wayne over the northern Indians, with whom the Cherokees and Creeks had some alliance—that they were therefore vanquished—that after this we were under no obligation to renew the guaranty, and, having renewed it, it is not therefore to be construed as affecting the nature of their title, or the extent of their rights.

Sir, is this the rule by which treaties and compacts are to be construed? I had supposed that the true mode of arriving at the meaning of any clause was to examine and weigh the terms in which it is couched—to compare it with the general spirit of the instrument, and not to inquire into the inducements and obligations resting upon the parties at its formation. Suppose this guaranty to be the merest gratuity in the world on our part, that we were in truth under no obligation to make it, does it thence follow that it is to have no meaning, or a restricted meaning? Have we thence a right to construe it away? Surely not. If we have made the guaranty, we must be bound by the guaranty, in its true, full sense, as understood at the time of making it. This idea of abrogating the force of treaties is of modern origin. The parties who now favor it were formerly among the most zealous defenders of the faith and obligations of treaties. In 1827, Georgia contended most manfully that treaties were sacred, binding, immutable. She demanded the full performance of the stipulations with the Creeks at the Indian Springs, and wholly denied the power even of the parties to the compact to rescind it, though it was founded in gross fraud and corruption. In every line of her remonstrance we perceive the tenacity and force with which she clung to the validity of treaties. Sir, in a communication to which I have already referred, from the President to the Creek Indians, in which he endeavors to convince them that the treaties are not binding upon us, if construed as impairing the sovereignty of Georgia, he claims from them the most exact performance of their obligations: “Our peaceful mother earth has been stained by the blood of the white man, and calls for the punishment of his murderers, whose surrender is now demanded, under the solemn obligation of the treaty which your chiefs and warriors, in council, have agreed to. To preserve peace, you must comply with your own treaty.” With what face can we require of them the full, faithful performance of their promises, when in the same breath we tell them that we had no authority to give the assurances on our part? Sir, let us construe and so perform our engagements as to preserve the national faith and honor,

as will in no event expose us to the censures of the world. Sir, I have before me many documents which I had intended to use, illustrative of the policy of the Government towards the Indians, as well of the Crown before the revolution, as of the Congress under the confederation, and since under the present constitution. In all these I find abundant vindication of Indian rights, to the full extent I have endeavored to maintain them; but I forbear to trespass upon the kind indulgence of the committee by consuming their time in reading them.

I will now proceed, sir, to a brief consideration of some other topics involved in the bill before us, and which have been discussed at much length by the member from Tennessee, [Mr. BELL.] The gentleman computes the expense which will be incurred in the prosecution of this measure, at the most, not exceeding five millions of dollars. The very nature of the subject forbids accurate and minuate calculations. As a general principle, we all know that public expenditures vastly exceed previous estimates. Nothing is more common. I am not possessed of sufficient data to form an estimate with any pretensions to accuracy: but, sir, when you consider that sixty thousand people are to be removed a distance of several hundred miles; that they are to be subsisted for one year after they have reached the destined land; that customary presents and rewards are to be given to them; that all their improvements, possessions, and property, which they leave behind, are to be paid for; that agents, commissioners, and contractors are to be employed and compensated; and, moreover, that you will be obliged to purchase of the tribes beyond the Mississippi a right to plant others there; I think the most orthodox believer in the dangers of a redundant treasury will have no occasion to be alarmed for the liberties of the country. Gentlemen who have resisted the prosecution of internal improvement as tending to corrupt the States, will have the satisfaction to see this source of their disquietude removed. But, sir, I shall make no objection on the score of expense. Protect the Indians in their rights and possessions where they now are, and you may have almost any sum to effect their removal, when it can be done with their free, voluntary, unbiassed consent. The gentleman seemed to anticipate an objection, on the ground of a want of constitutional power in Congress to make the appropriation. I shall say but a word on that subject. If these tribes are to be regarded as distinct communities, independent of the States where they reside, possessed of lands which will belong to us when their title is extinguished, I can see no valid objection of the kind the gentleman anticipated. But if they are to be regarded as individual citizens of a State, subject to its laws, possessing property as individuals, and protected in its enjoyment, then I do not easily perceive the authority which we possess to make the appropriation. Suppose, sir, that some fifty thousand of the citizens of New York or New England wish to emigrate to the West, and ask the aid of Government to enable them to accomplish that object; would such an application be listened to for a moment? Should we not be reminded that the powers of the General Government were all “enumerated,” and among them there was none authorizing it to appropriate the public treasury to enable individuals to change their location? Sir, this hall would echo with the perpetual reiteration of “constitutional scruples.”

The gentleman [Mr. BELL] has urged the passage of this bill, on the ground of humanity to the Indians, and the promotion of their own interests and happiness. He informs the committee that the tribes proposed to be removed are a degraded, declining race, who are rapidly wasting away, and will, ere long, be destroyed, if they remain in their present situation. The lessons of history are adduced to show that the red man cannot live in contiguity with the white; that it is the inevitable fate of the savage to perish whenever civilization has planted its foot within their con-

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finer. However just this may be in the general, it has no application to the southern tribes, particularly to the Cherokees, who are chiefly interested in the subject before us. They are not hordes of wandering savages; they are not hunters. They till the earth; they have mechanics' shops and trades, schools and churches, cultivated fields and flocks—have made great advances in civilization—formed a written code of government—established a press. Is it for the benefit and happiness of such a people to be expelled from their country, and planted again in the depths of the forest, to resume the wild state from which they had emerged? Sir, I do not find anywhere in the records of history that the condition of such a people can be promoted by such a measure. Least of all do I find that the interest or honor of any nation can be promoted by a violation of its public treaties—an infraction of its plighted faith. Whether it be for the benefit of the Indians to remove or not, is a question for them to decide; and so long as they shall determine that it is not for their advantage and happiness, and refuse to comply, so long are they entitled to protection and security in all their rights. In several of our treaties with them, we have had in view their permanent residence in the territories which they possess. We have held out inducements for them to become cultivated, and have stipulated to furnish them "with useful implements of husbandry," for the purpose of reclaiming them from the savage state. The treaty of 1817 is too explicit on this point to be omitted. The preamble recites, that, in 1808, a delegation of the Cherokee nation signified to the President the anxious desire of one part of the nation "to engage in the pursuit of agriculture and civilized life in the country they then occupied;" and that this portion wished for a division of the country, and an assignment of lands for that purpose; that "by thus contracting their society within narrow limits, they proposed to begin the establishment of fixed laws and a regular government."

Another portion of the tribe wished to pursue the hunter life, and, for that end, were desirous to remove beyond the Mississippi. The President (Mr. Jefferson) answered, "the United States, my children, are the friends of both parties, and, so far as can reasonably be asked, are willing to satisfy the wishes of both. Those who remain may be assured of our patronage, our aid, and good neighborhood." Such was the preamble; and it concludes, "Now know ye, that to carry into effect the before recited promises with good faith," &c., the parties concluded the treaty. I ask, if we have not "assured" them of a permanent residence, if we have not promised them "our good neighborhood," and now that the experiment has so far been successful, and they have made rapid advances in civilization, are we to be told that humanity and their own interests require them to be thrust again into the wilderness? Sir, what will be their condition in the country to which it is proposed they shall remove? The gentleman has described the region, about six hundred miles in length, and two hundred and fifty in width, between the western boundaries of Arkansas and Missouri and the base of the Rocky Mountains, somewhere within the limits of which is to be their ultimate destination. The gentleman's plan is to locate the southern tribes among the Cherokees, Creeks, Choctaws, and Chickasaws, who have already moved. Besides these parts of tribes, the Osages are there, and the warlike bands of the Camanches, Sioux, and Pawnees roam over the vast prairies in search of game, or on their predatory excursions. It is now designed to plant a civilized colony amid a people of these savage habits. They are not hunters, whom we are about to send there. Agriculture is their employment. They are not warriors. We have induced them to lay aside the war club and the tomahawk, and to substitute the peaceful implements of husbandry. They have flocks, and property of various descriptions. How long can they retain it in the neighborhood of the warlike tribes I have enumerated? How

long can their schools and their churches be maintained in the bosom of the wilderness? Sir, they will be only objects of plunder to the stranger and more savage bands around them. They will be overrun; and, if they resist, it will only provoke extermination. Can they till the ground, when its fruits will ripen only to be gathered and consumed by hordes of savages, who know no law but force, no right but power? Sir, I firmly believe they cannot exist in the country to which you are about to send them; and I can give no countenance to a project which contemplates their removal against their wishes and their remonstrances. We have, among the papers before us, a very affecting account of the distress and privations which the tribes west of the Mississippi already endure. I will read an extract which has been often quoted, but which cannot be too often called to our recollection, from the letter of General Clark.

"The condition of many tribes west of the Mississippi is the most pitiable that can be imagined. During several seasons in every year they are distressed by famine, in which many die for want of food, and during which the living child is often buried with the dead mother, because no one could spare it as much food as would sustain it through its helpless infancy. This description applies to Sioux, Osages, and many others, but I mention those because they are powerful tribes, and live near our borders, and my official station enables me to know the exact truth. It is in vain to talk to people in this condition about learning and religion."

The honorable gentleman answered this objection in anticipation; and what was his answer? Why, that distress and suffering of this description were common among Indians—that it is incident to their character and habits and modes of life—that it is not more frequent now than it always has been. And is this a sufficient answer? Are we to send a whole people from their abodes of comfort, to scenes of distress like these, with the cold answer that it is no hardship, because such sufferings are common? Because the tribes west of the Mississippi are compelled to endure these distressing privations, therefore it is no hardship to send other tribes there to endure them also! Will such an answer satisfy benevolence, philanthropy, humanity? Will it alleviate the pangs of the civilized Cherokee, when he consigns his dead wife and his living child to the earth, to be told that such scenes are of frequent occurrence?

And, sir, how will these sufferings be aggravated by such an accumulation of numbers? The country does not now afford subsistence enough for its population. How much greater will be the deficiency, when sixty thousand more are added to its starving inhabitants? The gentleman has said that the country is well adapted to their wants—abounding in timber and water, and capable of a high degree of cultivation. If it were so, from the causes I have mentioned they can never possess and cultivate it in security. We have been called upon at the present session to make a military road of several hundred miles in extent upon the western borders of Arkansas and Missouri, and to mount ten companies of infantry for the protection of the white inhabitants against the predatory incursions of the Indians. The delegate from Arkansas assures us that the security of that frontier depends upon these measures. How much more will the feeble tribes you propose to send still farther into the forests, need your protection? The gentleman has not taken into his account of expenses those which will be incurred in keeping up a military establishment in that vicinity, which will be absolutely necessary to preserve peace among the different tribes, who will find perpetual sources of discord when crowded together in the small limits assigned them.

But, sir, is the country suited to their wants? The gentleman must allow me to say that I repose little confidence in the information he has received upon this subject. De-

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scriptions from other sources give a different account. I will only refer, however, to the opinion of a delegation of the Chickasaw nation, who were sent last year west of the Mississippi, "in search of a home." It is among the documents upon our tables. They could find no country to which they would consent to remove, except one small tract which was already occupied. The vacant lands, they said, were not adapted to their convenience. "If we had found a country to please us, it was our intention to exchange. It is yet our wish to do so. But we cannot consent to remove to a country destitute of a single corresponding feature to the one in which we at present reside." Such, sir, is the information we have received from the Indians themselves. If they wish to remove, I would furnish them assistance to do it. But I would first secure them in their rights where they now reside. I would then furnish them the most ample information possible of the country in which it is proposed to locate them, give them every means of forming a correct judgment as to their situation and condition in their new abodes, and then leave the decision to them.

When, sir, under these circumstances they shall decide to remove, I apprehend no objection will be made to it. It has been urged, however, very zealously by the gentlemen [Messrs. BELL and LUMKIN] that the great mass of the southern Indians are now willing and anxious to remove, but are restrained and kept in awe by the chiefs and white men who reside among the tribes. Where is the evidence of this? Upon what facts do the gentlemen make the assertion? Is it to be found in the circumstance that they have uniformly and firmly resisted all your offers and solicitations? Commissioners were sent last year to negotiate upon this subject, with instructions so peculiar, that I cannot forbear to advert to them. What were these instructions? Why, sir, not to permit their official character to be known, but to appear among the Indians as their friends and advisers, solicitous only for their benefit and happiness. In this mode their confidence was to be won. They were not to convene the Indians in council, agreeably to uniform custom whenever negotiations were to be conducted with them, but to see "the chiefs and other influential men, not together, but apart, at their own houses," and when other arguments and advice should fail, "offers to them of extensive reservations in fee simple, and other rewards, would, it is hoped, result in obtaining their acquiescence." So it seems the Indian territory, the property of the whole nation, was to be obtained by offers of "rewards" to the chiefs and influential men, to procure their assent. Is this the mode in which Indian rights are to be treated? Bribery to the chiefs? What is the reason given for not convening the Indians in council? A most remarkable one truly. It is in these words: "The past has demonstrated their utter aversion to this mode, whilst it has been made equally clear that another mode promises greater success. In regard to the first, the Indians have seen in the past that it has been by the results of councils that the extent of their country has been from time to time diminished. They all comprehend this." Now, sir, it is represented that the Indians are willing to exchange their country, and to remove. If so, why not convene them in council, as it is by means of councils that the extent of their country has been diminished? Would they have such an "utter aversion to this mode," if they were really willing to adopt the measures to which such a mode leads? No, sir. They see it has been by councils that their country has been diminished, and they are opposed to councils because they are opposed to any further diminution.

Upon this subject we have the testimony of a gentleman resident among the Cherokees, whom the member from Georgia [Mr. LUMKIN] represents as worthy of all confidence, and whose word surely he will not deny. I will read an extract of a letter from Mr. Worcester, published among the documents of the Senate:

"There is one other subject on which I think it is due to justice to give my testimony, whatever it may be worth. Whether the Cherokees are wise in desiring to remain here or not, I express no opinion. But it is certainly just that it should be known whether or not they do, as a body, wish to remain. It is not possible for a person to dwell among them without hearing much on the subject. I have heard much. It is said abroad that the common people would gladly remove, but are deterred by the chiefs and a few other influential men. It is not so. I say with the utmost assurance, it is not so. Nothing is plainer than that it is the earnest wish of the whole body of the people to remain where they are. They are not overawed by the chiefs. Individuals may be overawed by popular opinion, but not by the chiefs. On the other hand, if there were a chief in favor of removal, he would be overawed by the people. He would know that he could not open his mouth in favor of such a proposition, but on pain, not only of the failure of his re-election, but of popular odium and scorn. The whole tide of national feeling sets, in one strong and unbroken current, against a removal to the West."

With this evidence before me, I must be pardoned when I tell the honorable chairman [Mr. BELL] that I do not repose confidence in the information with which he has been furnished, and has presented to the House. It seems to be assumed, without evidence, and against evidence, that the Indians are willing to remove, but are restrained by some overpowering cause. In 1827, the complaint of Georgia was, that the Government had neglected its duty, and, instead of adopting a course which would terminate in the removal of the Indians, had pursued a policy calculated to render their residence permanent. There was no complaint then against the chiefs. It was all the fault of Government. Well, sir, we have now a Government co-operating with Georgia. This ground of complaint is removed. Still the Indians refuse to go. Some new reason must be found for their refusal. Sir, would it not be better to inquire into the fact, than to be searching for the causes of that which is only assumed to exist? Is it not natural and reasonable that they should be unwilling to abandon their homes? Are they not men? Are they not capable of attachments? Have they no ties to bind them to the land of their birth—to the soil which covers the ashes of their fathers? Is not their country dear to them? Sir, in their view, that earth wears a deeper verdure, and the heavens pour a more unclouded radiance, than in all the world besides. It is unnatural, it is unreasonable to suppose that they are "anxious" to quit the scenes of their childhood, to seek a new home, far off, in the lands of the setting sun.

And, sir, how are they to be removed? The only project I have seen is that contained in the "report from the bureau of Indian Affairs" to the Secretary of War, and by him transmitted to Congress. The proposition is, that they shall be removed "by contract"—and the recommendation of this plan is, that it can be done much cheaper than in any other mode. By contract, sir! What are sixty thousand human beings—the sick, the aged, the infirm, children, and infants—to be transported hundreds of miles, over mountains and rivers and forests, by contract! By those who will engage to perform the service for the smallest sum! Are you to hold out such inducements to long and fatiguing marches—to scanty and cheap provisions? Will you place these hapless, deceived, and abused people at the mercy of contractors, whose only object is gain? in whose bosoms Indian wrongs and Indian suffering will find but little sympathy. Sir, if this is the mode in which the measure is to be executed, I will never yield my sanction to it, though the Indians should be willing to remove. No, sir, if they must go, let their path be made smooth. If the treasury is to be opened, let it be opened wide enough to relieve all their wants; to render their situation, bad at the best, as tolerable as the exigency will admit.

MAY 19, 1830.]

Duty on Salt.—Removal of the Indians.

[H. of R.]

Sir, the question before us, in all its aspects, is one of great and momentous magnitude. It becomes us to pause, and consider well the step we are about to take. If it be at all doubtful, let us so decide as shall preserve, and not impair our national character. If we err, let it be on the side of humanity. In the inaugural address of the present Chief Magistrate, he assures the country—"It will be my sincere and constant desire to observe towards the Indian tribes within our limits a just and liberal policy; and to give that humane and considerate attention to their rights and their wants which are consistent with the habits of our Government, and the feelings of our people." Sir, are we about to observe towards them "a just and liberal policy?" Are we giving "a humane and considerate attention to their rights and their wants?" This pledge remains to be redeemed. If we now turn a deaf ear to the Cherokees who have appealed to our justice, and claimed our protection; if this bill shall pass in its present shape, providing no security for their rights, their destiny will be irrevocably fixed. And how will our conduct toward them bear the scrutiny of an enlightened world, and the just judgment of impartial history? Sir, if we permit these feeble remnants of once powerful nations to be driven from their homes, though it may not reach the same height of infamy which history has assigned to that transaction, in the close of the last century, which blotted Poland from the map of nations, yet will it stand upon the same page of injustice and oppression, and receive the same sentence from posterity. It will stand, too, in the annals of the world by the side of those enormities which our mother country has practised in another hemisphere; and though the poor Cherokee may find no Burke or Sheridan to tell the story of his griefs, and to hold up the picture of his wrongs to the execration of mankind, it will go up to a higher tribunal, where sophistry cannot delude, and where the humblest Indian will be equal to his proudest oppressor. Sir, it was said by one often quoted upon this floor, (Mr. Jefferson,) and in reference to a subject not dissimilar to the present, "I tremble for my country when I remember that God is just, and that his justice will not sleep forever." And although the particular mode of retribution which was in his mind on that occasion may not now be anticipated, yet let us recollect "that the Almighty has no attribute which can take side with us" in a conflict between power and right—between oppression and justice.

The honorable gentleman from Georgia [Mr. LUMPKIN] has anticipated a period when it will be as odious to be known as an advocate of the Indian rights, as to have supported the passage of the alien and sedition laws. I know not what pretensions the gentleman possesses to the power of augury, but, in my estimation, he has consulted the stars to very little purpose, if such be the lessons they read him. Before that period shall arrive, you must burn all the records of the Government—destroy the history of the country—pervert the moral sense of the community—make injustice and oppression virtues—and breach of national faith honorable; and then, but not till then, will the visions of the gentleman assume the form of realities. Sir, if I could hope, as I surely cannot, that any feeble efforts of mine would outlive the brief hour which gave them existence—if I could give perpetuity to any thing I can say or do, there is no occasion I should covet more than that which I now possess. If I could look forward, as I certainly do not, to a long life of public service—to honors and distinctions—I would forego all for the power to roll back the tide of desolation which is about to overwhelm these hapless sons of the forest. If I could stand up between the weak, the friendless, the deserted, and the strong arm of oppression, and successfully vindicate their rights, and shield them in their hour of adversity, I should have achieved honor enough to satisfy even an exorbitant ambition; and I should leave it as a legacy

to my children, more valuable than uncounted gold—more honorable than imperial power.

Sir, the crisis in the fate of these people has arrived. The responsibility is upon us—upon us as a House, and upon each of us as individuals. The Indian here makes his last appeal. All other sources of protection have failed. It remains with us whether he shall return in joy and hope, or in sorrow and despair. Will we listen to his appeal? If we do not, then is their sun about to set, it may be in blood and in tears. Then, indeed, will all human means have failed, and they must be abandoned—abandoned, O God! to thy sovereign mercy.

Mr. HUNTINGTON, of Connecticut, followed in a speech of nearly the same length, on the same side.

Mr. JOHNS, of Delaware, succeeded, and addressed the committee at great length, also against the bill.

The committee then rose, and reported the bill to the House.

WEDNESDAY, MAY 19, 1830.

DUTY ON SALT.

Mr. McDUFFIE, from the Committee of Ways and Means, reported the following bill:

"Be it enacted, &c. That the duty on salt be fifteen cents per bushel of fifty-six pounds, from the 31st of December, 1830, until the 31st of December, 1831; and, after that time, ten cents a bushel, and no more."

The bill was read the first time; when

Mr. EARLL, of New York, objected to the second reading, which motion, by the rules of the House, was tantamount to a motion to reject the bill.

After a few remarks by Mr. MILLER,

Mr. DAVIS, of Massachusetts, expressed briefly his objections to the bill, and concluded by moving to postpone the bill to the next session of Congress, with the view, if his motion prevailed, of moving a call on the Secretary of the Treasury, to collect certain information, which Mr. D. deemed necessary to enable Congress to act discreetly on so important a subject.

Mr. CHILTON called for the yeas and nays.

Mr. P. P. BARBOUR moved the previous question.

Mr. HOFFMAN rose to a point of order, which the Chair overruled.

The call for the previous question being seconded,

Mr. POWERS, of New York, moved to lay the bill on the table; and the yeas and nays being demanded by Mr. CONNER, they were taken, and the motion to lay on the table lost: yeas, 83—nays, 102.

The previous question being then carried by 110 to 72, The main question was put, "Shall the bill be rejected?" and was negatived: yeas, 85—nays, 103. Of course, The bill was ordered to a second reading.

REMOVAL OF THE INDIANS.

The bill for removing the Indians having been taken up in the House, certain amendments were offered by Mr. STORRS, of New York, and Mr. TEST, when the debate was resumed, and continued to a late hour at night.

Mr. BATES said he should take it for granted that the States which had passed laws subjecting the Indian tribes to their jurisdiction, meant what, by their legislative acts, they said, and that the laws which they had passed were to be enforced. I reject [said Mr. B.] even the supposition that these laws are made not to be executed, but in mockery—to be used as an expedient, a contrivance—the means of driving a bargain and accomplishing an object. Upon such an attempt, come from what quarter it may—States or individuals—the House would frown indignantly. This granted, I affirm that the bill before us does not meet the exigency, of the case, nor present fairly and fully the question upon which we are to decide. And why does it not? There are at the South several tribes of Indians—the Che-

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rokees, Creeks, Chickasaws, and Choctaws, with whom the United States stand in this relation: They are under the protection of the United States. The boundary is defined between them and the people of the United States, which no white man is at liberty to pass without a license under the authority of the United States. In short, they hold the guaranty of the United States in all the forms of solemnity of a treaty stipulation by which the faith of a nation can be pledged, to protect and defend them. The States of Georgia, Mississippi, and Alabama have passed laws, as these tribes say, directly violating their territorial and national rights. Take the law of Georgia as an exemplification of the laws of the three States. Those of Mississippi and Alabama are, in some respects, less severe than that of Georgia, but in principle they are equally inadmissible. The eighth section makes it penal for a Cherokee to "endeavor" to prevent one of his tribe from emigrating. A father, therefore, may not influence his child, nor a guardian his ward. No, sir, he thereby makes himself liable to four years' confinement to hard labor. What will men who are fathers, or not fathers; what will men who are free, say to this!

The fifteenth section enacts "that no Indian, or descendant of an Indian, within the Cherokee nation of Indians, shall be a competent witness in any court of Georgia, in a suit in which a white man is a party, unless such white man resides within said nation." While Georgia makes the Indians citizens, or subjects, she does not leave them to the common law to exclude for infamy, interest, or incompetency of any kind, but she proscribes the nation—an entire district of men—the population of a whole city, county, or parish—and that without reference to their character, talent, or capacity, whether christian or heathen, civilized or savage. They are all turned off the stand by one general, sweeping interdiction of law. Now, sir, whatever may be the form of the constitution of Georgia, if it sanctions this act, it is a despotism. Tiberius never dictated an act in its essence more tyrannical, or in its character more unjust. And to take away the only apology that any man could offer—the incapacity of the people to testify—this very law admits their capacity, by admitting them to be witnesses if the party to the suit be resident within the Cherokee nation. But this is not the worst feature of the law, if worse can be.

By the seventh section "all laws, ordinances, orders, and regulations, of any kind whatever, made by the Cherokee Indians, in any way whatever, are declared to be null and void as if the same had never existed; nor shall they be given in evidence on the trial of any suit whatever:" thus dissolving and resolving the nation into its original, individual elements; making, as if it had never been, all that combines and forms men into States, nations, or tribes; dissolving all ties but those of nature. I beg the House to realize the measure, the extent and scope of this unrivalled, outrageous act of usurped dominion. Bring it home. Let it be said to you—to the United States of America, that "all your laws, ordinances, orders, and regulations shall be null as if they had never existed!" Let it be said by a nation that was weak when you were strong; that had grown up by your side; that had increased while you had decreased! Let a nation say it that had lived by your permission; that had pledged itself for your protection and defence! Does it change the case to change the name? Has the Cherokee no attachment to the simple forms of government he has matured and improved? To the customs and regulations of his fathers? Does he not feel? Is he not a man?

In this condition of things the Indians applied to the President. He told them, as he tells us in his message, "that if they remain within the limits of the United States, they must be subject to the laws; that they will be protected in their possessions which they have improved; but that it seemed to him absurd and visionary to suppose their claims can be allowed to tracts of country merely because they

have seen them from the mountain, or passed them in the chase." And thus the subject is presented to Congress, both by the President and the Indians, for consideration. The sympathies of the public having become interested—for, sir, nature is the ally of the weak against the strong, through the range of being, civilized or savage, rational or brute, not mercenary but volunteer—numerous memorials came in from every part of the United States, and the whole subject is referred to your committee upon Indian Affairs. That committee reported a bill making an appropriation of five hundred thousand dollars to begin with, for the removal of the Indians to the west of the Mississippi. The chiefs say to us that that is no answer to their inquiry. They desire to know whether they must submit to the laws of Georgia, and to such laws, whether she has a right to abrogate their Government and dissolve their nation. The President has told them they must, but has referred the subject to us. We answer only by this bill. They tell us they cannot decide the question of removal until they know their rights where they are. And not only the Indian chiefs, but the American people, expect us to answer. Here is money for your removal, we say. This is the only answer we design to give them. Well, say they, if you will not tell us directly what our rights are, will you allow us to remind you of your duties? Will you defend our boundary, and protect us where we are, as you agreed to do? The President has said he will not. They urge upon the consideration of Congress the impossibility of deciding fairly and understandingly what they will do, until they know what their condition is to be where they are. Whether they must submit to such a law or not—whether they will be protected or not—whether they are to retain their lands, or whether Georgia, who has not even "seen them from the mountain, nor passed them in the chase," is to have them. Sir, they produce to you your treaty with them. Is this your signature and seal? Is this your promise? Will you keep it? If you will not, will you give us back the lands we let you have for it? The President answers, no; and the Congress of the United States answers here is money for your removal. We dare not, in the face of the American people, directly affirm the answer of the President; and, therefore, we evade the question, and hope to hide ourselves in the folds of this bill when a scrutiny shall be made for us. Sir, who so blind as not to see that by implication, direct and inevitable, you affirm the decision of the President, by giving him the means to carry that decision into effect? You decide that the Indians are the citizens of Georgia—subject to her jurisdiction, and that you will not defend their boundary, nor protect them. This you decide obliquely, at a time when the crisis in the affairs of the Indian nations, and in the affairs of your own honor, too, requires that you should speak out. You co-operate with Georgia—you give effect to her laws—you put the Indians aside, and trample your treaties with them in the dust. And it will be in vain you tell the world you did not set fire to the city, when you saw it burning, and would not put it out; and when you were its hired patrol and watch.

In passing this bill, therefore, the House decide that the Indians are the citizens of Georgia, subject to the jurisdiction of Georgia; and that we ought not and cannot interfere to protect them. Now, sir, I deny it all. I affirm the contrary. I maintain that the Indians are not the citizens of Georgia, nor subject to the jurisdiction of Georgia; but that they are sovereign, and that we are pledged to protect them in the enjoyment of their rights of sovereignty; and that Georgia has no right that stands in the way of it, constitutional or other. Sir, the great men who have gone before us in this business were not so unwise, nor uninstructed in their duties, nor can they thus be put in the wrong by those who now have the administration of affairs.

I shall not go with the gentleman from Tennessee [Mr. BELL] to the other side of the Mississippi, either for the

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purpose of ascertaining whether the trees can be made to grow for the use of the emigrant Indians where none ever grew before, or whether the emigrants themselves will form a convenient barrier between our own settlements and the tribes of Indians west of them; or, if convenient, whether they may not have an objection to becoming a breastwork to be shot at, or shot through, for our accommodation; or, in a region where there are now frequent victims to famine, whether an addition of such a promiscuous and wild population will not be likely to augment the evil. No, sir, for if this bill pass, your faith is gone, your honor violated, and there is nothing left worth a wise man's thought. But I will take the liberty to remark, that it seems to me to be strangely precipitate and heedless to send these people into a region about which we know so little; that it ought not to be done without a minute exploration of the country by impartial, intelligent men, commissioned and sent there for the purpose.

I take the liberty further to enter my protest against the appeal that has been made to party feeling in this discussion. If that is to be invoked and enlisted, the destiny of these nations is fixed. It is a spirit that has no heart, no sympathy, no relenting. Truth may pour her radiance upon its vision, and it sees not. Distress may utter her cry, and it hears not. Often has it stained the scaffold with the blood of the innocent. Nor is the sectarian influence that has been called in aid of this measure by the honorable gentleman from Georgia, [Mr. LUMPKIN] less to be deprecated; for although, at this age of the world, it is not seen actually planting the stake and lighting the fires, yet it is akin to the other. And it would be as much in place, in the high court of law at the other end of the capitol, to appeal to the sectarian and party feelings of the judges as a correct rule of decision, as to make the appeal to honorable gentlemen here. Sir, it is not a question upon the life or liberty of an individual, but upon the fate of nations. How then can any man in such a case, and in such a place, dare to make the appeal, and hope to be forgiven! What a reflection upon the integrity and the honor of this House! Sir, it is not a party question. No man can make it such, until he can quench the last spark of honor in the breast, and stop the current of feeling in the heart, and put out the light of truth in the mind, and stifle the voice of conscience in the soul. Sir, it is our right to decide this question; it is our duty to decide it upon principle—a right in trust for our constituents and country, and a duty imposed upon us by relations which we cannot change, and from which we cannot escape, coming down upon us from above, and springing up upon us from beneath, and flowing in from all around us. Let this question, therefore, when it comes to be decided, be decided upon a full and broad survey of its merits, and its merits only.

My positions are, that the Cherokees are not the tenants of Georgia, nor subject to her jurisdiction; but that they are the sole proprietors of the territory they occupy, whether as hunting grounds or otherwise, and are sovereign; and that the United States are pledged to defend their boundary, to protect them in the enjoyment of all their rights and privileges as a nation.

I suppose it will be admitted that the Cherokees are a distinct class of men from the Georgians; that they were once sovereign; and that the presumption is, they are sovereign still. The *onus probandi*, as the profession say, is therefore upon Georgia. If she claims the right of dictating law to this nation, once sovereign, it is for her to show whence she derived it.

With this view of the subject, I propose to go back to the origin of the State of Georgia, and briefly to trace her history to the revolution, to see what her rights then were in relation to the Indians, as admitted and established by compact. This will preclude the necessity of inquiring as to natural rights.

In 1732, Georgia was a part of South Carolina. And, in order to erect a barrier against the Indians and Spaniards in Florida, upon the frontier of South Carolina, George II, by patent, created a corporation, styled the "Trustees for establishing the colony of Georgia in America," to hold for his use all the land between the Atlantic and the South Sea, as it was then termed, within the degrees of latitude and the boundaries therein given. No individual was to hold more than fifty acres, and that in tail male. The command of the militia was given to the Governor of South Carolina. In this patent nothing is said of the Indians. In 1752 it was surrendered. Oglethorpe, who was the active agent of the corporation, in 1733 arrived in Georgia with a hundred and fourteen emigrants, men, women, and children, and selected the site of Savannah as the most eligible place for a lodgment, where he erected a fort. The Upper and Lower Creeks were then twenty-five thousand strong. In order to get a title to some land, he employed a female of the half blood, the wife of a trader, to whom he made liberal presents, and gave a salary of a hundred pounds a year. She assembled fifty Indian chiefs, and prepared them to accede to Oglethorpe's proposition of a treaty. They ceded, with some reservations, all the land to the head of tide water, within the limits of the patent. That treaty admits that the Indians owned the land, and were sovereign. They were treated with as "the head men of the Creek nation;" and the land, in express terms, is said to be theirs. "Although this land belongs to us," the Creeks say, yet, in consideration that the Georgians have come for the good of our wives and children, and "to teach us what is straight," we make the cession. At Coweta, in 1739, another treaty, preceded by large presents, was made, in which the boundaries of the first cession were more particularly defined; and the trustees declare "that the English shall not enlarge or take any other lands except those granted by the Creek nation; and covenant that they will punish any person that shall intrude upon the lands reserved by them." In 1762, at Mobile, at a convention of Indian nations, Captain Smith, the Indian agent, told them "that the boundaries of their hunting grounds should be accurately fixed, and no settlement permitted upon them," assuring them "that all treaties would be faithfully kept." And at a meeting at Augusta, in 1763, to which Captain Smith's "talk" was preliminary, a further cession of land was made by the Creeks and Cherokees, in payment of the debts they had contracted. The Governors of the four southern States were present. As showing clearly how this subject was viewed by them in 1767, we find the Indians complaining to the Governor of Georgia, of encroachments upon their lands; and they ask him "how it could be expected of them to govern their young warriors, if he could not restrain the white people." In 1773, they cede another tract of land, and it was then agreed "that the bounds fixed by that treaty should be the mark of division between his Majesty's subjects and the said Indian nations."

This line, or Indian boundary, limited the territory of the colonists on the west, and limited, as I contend, their jurisdiction. Within this they had a right to dictate law; beyond this they had no right to do it. If they had such right, or the King, their master, had such right, then the Indians were bound to submit. A right implies a duty. In relation to this subject, incompatible rights cannot exist. Now, who will pretend that if the King had passed a law abrogating their customs, and making them amenable to the courts of Georgia, the Indians would not have had a right to resist the execution of it? If the Cherokees were subject to the jurisdiction of Georgia, then, prior to the treaty of 1763, the Indians beyond the Rocky Mountains were, (for the charter extended to the Pacific Ocean,) some of whom probably had never heard of the English nation or King. Who will pretend that he had a

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right to subject them to his laws, and, if need be, by the military arm, as his liege subjects? He might have had the power to conquer them, but he had no right to do it, which, unless in self-defence, is nothing more than a right to rob and murder.

The Indian boundary is sometimes called the "line of ordinary jurisdiction," implying an extraordinary jurisdiction beyond it. What was that? By the right of discovery, settled by compact among the discovering nations, and since confirmed by treaties with most of the Indians themselves, the King of Great Britain had the sole and exclusive right of purchasing of the Indian nations their title to the land lying in that part of America which had been assigned to him. We call it the right of pre-emption. The whole of his extraordinary jurisdiction consisted of the right to defend and protect that right of pre-emption; consequently of repelling invasion, and generally of preserving it unimpaired. The King never attempted or claimed any thing more. I affirm, therefore, that, with this exception, the Indian boundary was the boundary of the jurisdiction of both King and colony. I affirm, further, that the Indian nations were the sole and absolute owners of the land which they had not ceded, and which lay west of the Indian boundary, subject only to this restriction upon their right of alienation. Accordingly, the King, in his proclamation of 1763, disclaims any other right to it. He says "it is but just and reasonable, and essential to our interest, &c. that the tribes of Indians who live under our protection," (as they now live under the protection of the United States,) "should not be disturbed in their possessions, which, not having been purchased by us or ceded to us, are reserved to them; we do, therefore, declare that no Governor, or commander, shall survey or grant them, and that they are reserved to the Indians." This is the substance of this article. The King does not rest the right of the Indian nations to these lands upon concessions, gift, grant, indulgence, or expediency, but upon the broad and solid basis of the "justice and reasonableness" of their unalienated title; a due regard for which principles will be found always to comport with a wise policy.

Before I pass from this period, as we commonly speak for the Indians, it is but right, when we can, to let them speak for themselves. I refer to the negotiation at Lancaster, in 1744. The Governor of Maryland claimed some of their land by possession. Canasatego replied: "When you mentioned the affair of the land yesterday, you went back to old times, and told us you had had the province of Maryland above one hundred years. But what is a hundred years in comparison of the length of time since our claim began—since we came out of the ground? For we must tell you, that, long before one hundred years, our ancestors came out of this ground, and their children have remained here ever since. You came out of the ground beyond the seas; but here you must allow us to be your elder brothers, and the lands to belong to us long before you knew any thing of them."

To Virginia, who claimed some of their lands by conquest, another chief answered: "Though great things are well remembered by us, we do not remember that we were ever conquered by the great King, or that we have been employed by him to conquer others. If it was so, it is beyond our memory. We do remember we were employed by Maryland to conquer the Conestogas; and the second time that we were at war with them, we carried them all off."

The House will perceive what the views of these people were of their right to their land, and what their notions were of possession and conquest. I think it clear, therefore, that before the revolution they were not the citizens of Georgia, nor subject to the jurisdiction of Georgia, nor tenants at the will of Georgia.

When the troubles with Great Britain came on, and the

delegates from the different States met at Philadelphia, Congress immediately assumed the direction of the Indian relations, as of nations distinct from the States, and independent of them. After a short session for other purposes, in the autumn of 1774, Congress met in May, 1775, and in June a committee was appointed to make an appeal to the Indian nations. They were addressed thus, by order of Congress:

"Brothers and friends: This is a family quarrel between us and Old England. Indians are not concerned in it."

In the same month the Indian tribes were arranged into three departments—the Northern, Southern, and Middle; and commissioners were appointed to treat with them "in behalf of the United States, to preserve peace with them, and prevent their taking part in the commotions of the times."

In January, 1776, rules for Indian intercourse were established, interdicting all "trade with them without a license."

In 1777, another "talk" was addressed to them, reaffirming that they ought to take no part in the war between the United States and Great Britain, and stating, also, that, although the "Cherokees had been prevailed upon to strike us, they had seen their error, had repented, and we had forgiven them, and renewed our ancient covenant chain with them."

In 1778, a treaty with the Delaware nation was concluded at Fort Pitt. The parties to it were "the United States of North America and the Delaware nation;" and it stipulates:

"That there shall be peace; and that the troops of the United States may pass "through the country of the Delaware nation," upon paying the full value of the supplies they may have." It further provides that "Whereas the enemies of the United States have endeavored, by every artifice, to possess the Indians with an opinion that it is our design to extirpate them, and take possession of their country—to obviate such false suggestions, the United States guaranty to said nation of Delawares, and their heirs, all their territorial rights, in the fullest and most ample manner, as bounded by former treaties;" and they further provide for a confederacy of tribes, of which the Delaware nation was to be the head, and to have a representative in Congress.

Here is recognition enough of the rights of Indians. And, to put an end to the false suggestion, which none but an enemy could make, assurance is given, by treaty, binding upon the whole country, that their territorial rights shall be defended in the fullest and most ample manner, as antecedently defined.

Now, sir, let it be recollected that, during this period, all the States, by their agents acting under their authority and with their sanction and approbation, adopted these measures. They may, therefore, be considered a fair and decisive indication of what was then thought to be our Indian relations. In no respect were the Indians treated as citizens or subjects, but as sovereign tribes or nations, with the power of making peace or war at pleasure; much less as tenants at the will of the States—one, any, or all of them.

When the articles of confederation were adopted, in 1778, or, finally, by all the States, in 1781, "the sole and exclusive right and power of regulating the trade and managing all the affairs of the Indians not members of any of the States," was given to the United States. In connexion with this clause is a proviso "that the legislative right of any State within its own limits be not infringed or violated." The argument is, that the Cherokees were the citizens of Georgia, and subject to her jurisdiction. From this article it is clear there were Indians with whom the United States had trade to regulate, and affairs to manage, who were not members of any State. If not the Cherokees, who were they? The land from the Atlantic to the Mississippi, within the limits of the United

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States, was within the geographical boundary of some one of the States. According to the position of Georgia, therefore, there were no such tribes. Reliance is placed upon the proviso as controlling the express grant, and, if no effect could be given to the proviso, consistent with the grant, there might be something in the suggestion. But while the "power of entering into treaties and alliances" is given in the same section, there is a proviso, "that the legislative power of the States shall not be restrained from imposing duties and prohibiting the exportation and importation of goods." These articles were permanent; and it was not to be foreseen what these tribes might become. With the same view, the proviso in relation to them might have been adopted. Or, it might have been, the term Indians being used, and not Indian nations, in order to restrain Congress from interfering with such of them as were dispersed among the inhabitants of the States. Or, again, it might have been to restrain Congress from controlling the laws of the States in relation to the people of these Indian nations, when within the acknowledged limits and jurisdiction of the States. Or, finally, it might have been out of abundant caution, without any distinctly contemplated object. Effect enough can be given to sustain the proviso, without annulling the power granted. And this grant plainly proves that there were Indian nations or tribes who were "not members of any of the States;" and, if so, the Cherokees do not belong to Georgia. What Congress understood by this article, is clear; for, immediately after the confederation, in 1781, it passed a resolve approving of the appointment of commissioners by General Green to negotiate a treaty with the Cherokee Indians; and the whole course of its legislation, to the adoption of the constitution in 1788, shows the same thing.

In 1783, the Secretary of War was directed to notify the Indian nations "that the United States were disposed to enter into friendly treaties with the different tribes." This was in May, after the peace. In September, Congress issued a proclamation, prohibiting settlements "on lands inhabited and claimed by Indians without the limits and jurisdiction of any particular State;" and prohibiting the purchase of such lands, without an express "authority from the United States in Congress assembled." What lands were these, without the limits, and without the jurisdiction, too, of any State? In October, Congress resolved that a convention should be holden of the different tribes, for the purpose of receiving them "into the favor and protection of the United States," and of establishing boundary lines of property to divide the settlements of the citizens from the Indian villages and hunting grounds. In 1784, another resolve was passed, to expedite the holding of treaties; and, in 1785 particularly, with the Cherokees and the Indians to the southward of them. This is the resolve under which the treaties of Hopewell were held. The commissioners were appointed for the purpose of making peace; they went under the protection of an armed force; they went with presents. It was a peace we sought, not the Indian nations. After the treaties of Hopewell were concluded with the different tribes, the Indian departments were re-organized, and another resolve was passed in 1786, regulating Indian intercourse. No citizen was to reside among or trade with the Indians, without a license. And in 1788, upon application of Georgia herself, the Creeks were notified that if they persisted in refusing to treat with the United States, an armed force would be called out to protect the frontier.

I do not find a remonstrance, or an objection even, by any of the States to the powers assumed and exercised by Congress in relation to the Indian nations, except as to the treaty of Hopewell with the Cherokees; and that, Congress enforced, notwithstanding, by a proclamation in September, 1788, deeming it a treaty binding upon the United States, and upon Georgia as one of the United States.

In this condition of things the constitution was adopted; and, instead of the clause in the articles of confederation, with the limitation and the proviso, a general, unlimited, unqualified power is given to Congress, "to regulate commerce with the Indian tribes," and as fully and unconditionally as with "foreign nations," or "among the several States."

This article in the constitution establishes my position, that the Indians were not members of the States, nor subject to their jurisdiction; but were sovereign nations with whom the United States had a commerce to regulate. If, as affirmed, they were members of the State of Georgia—citizens or subjects—then the grant of power was to regulate commerce among the several States, and the members thereof; which is a power never claimed nor admitted. Congress deals only with States; the States with their citizens or subjects. Congress, therefore, in express terms, has the power to prescribe all the forms of intercourse between the United States and the Indian tribes, or to interdict it altogether as the exigency may require, in the same sense and to the same extent as it has with foreign nations.

In 1790, the first Indian intercourse law under the constitution was passed, forbidding all trade between the citizens of the United States and the Indians, except by persons duly licensed. The fifth section provides, that, if any citizen of the United States go into any town belonging to a nation of Indians, and there commit a crime, he shall be punished as if said crime had been committed within the jurisdiction of a State. Is not this decisive that the Cherokees are not citizens of Georgia, nor within the jurisdiction of Georgia?

The act of 1796 defines the boundary of the Indian tribes, and makes it penal for any citizen of the United States to pass it without a license.

Another act was passed in 1799, substantially of the same import.

These acts were temporary, and the provisions of them were embodied in the act of 1802, which was made permanent. It is now in full force, and has been ever since its enactment. The only provisions in either this or the antecedent acts, objected to, were a part of the fifth section of the act of 1796, relating to the forfeiture of lands, and the sixth section, punishing with death the murder of an Indian. These provisions were, among other things, the foundation of a remonstrance to Congress by Georgia. The objectionable feature of the fifth section was omitted, and the sixth section was retained, in the act of 1802. This act has been in force, and has been enforced by all the States, as a wise and constitutional law. Well, sir, this re-affirms the Indian boundary as then established and defined by the Indian treaties. It provides that no person shall pass it, not even the Governor of Georgia, much less his bailiffs, without authority from the United States. It forbids all settlements by the whites on the Indian lands, and invests the army with power to arrest and bring offenders to punishment. It makes void all grants by Indian nations, or individuals, unless sanctioned by Congress; and it commissions the President to see it faithfully executed. It will be perceived at a glance, that, if the Indians were the citizens of Georgia, or subject to her jurisdiction, the whole range of this act is unconstitutional. Congress can make no such internal regulations among the inhabitants of a State, as it contemplates.

The act of Georgia itself, "to extend her laws over the territory in the occupancy of the Cherokee Indians," is the most decisive proof that they were not within her jurisdiction before. The general laws of the State were without limitation. Of their own force, as soon as passed, they pervaded and covered the whole extent and circumference of her jurisdiction. And yet a special act is now necessary to give them effect among the Cherokees! Why this? Because they were not within her jurisdiction before. They were honest laws, and knew that their com-

mission and power ceased at the Indian boundary, beyond which they had no right to go, and beyond which no citizen of Georgia could go, to execute them. If Congress has power under the constitution to regulate commerce with foreign nations, to say by whom, and under what restrictions, it may be carried on; to interdict it altogether even; it has the right as to the Indian tribes. And having done it, Georgia is bound by it, unless she be above law, and so not subject to law.

She is bound also by treaties which the United States have made with the Cherokees. The power to make treaties is in these words:

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate concur."

The effect of treaties is declared in these words:

"All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding."

It has been intimated, to get rid of the effect of our Indian treaties, that they are not treaties. What, then, is a treaty? Hamilton says, "treaties are contracts with nations, which have the force of law, but derive it from the obligations of good faith"—"agreements between a sovereign and sovereign"—another name for a bargain, but a bargain between those who are sovereign.

The treaties between the United States and the Cherokees were negotiated as treaties, and treaties between nations competent to make treaties. They were ratified as treaties. They were called treaties, not only by us, but by the French, Spanish, and English, before our time. They were admitted to be treaties by Georgia. But whether treaties or not, is of no importance, because indisputably they are what was meant and intended by the term as used in the constitution; they are the thing that was to have the power and force given to it in the constitution, to control State laws and State constitutions. How, then, can we say to the Indian nations, that what we called treaties, and ratified as treaties, were not in fact treaties!

I will call the attention of the House to the treaty of Hopewell, in 1785. This was a treaty in force when the constitution was adopted. It was a treaty then "made," and "all treaties made, or which should be made," &c. were to be the supreme law of the land. These are the words of the constitution. Georgia, by adopting the constitution, agreed, at least, to this treaty. Nor is there the slightest foundation for the suggestion that she did not intend to affirm this treaty. Let it be recollected that this treaty was not only uniformly called a treaty, known as such, but, of all other treaties, this was most likely to be distinctly in view. 1st. Because it was one subject of her remonstrance to Congress in 1786. 2d. Because the boundary to which it related had been a matter of perpetual dispute between her and the United States; and, 3d. Because, when she adopted the constitution, the proclamation of Congress was then before the people, requiring submission to this very treaty, and calling upon the army to enforce it against the citizens of Georgia. Of all subjects, therefore, which Georgia had openly and fully in view, this was the most prominent, made so by the important contemporaneous events which affected that State individually. But, independent of all this, it is enough that it was then deemed a treaty, and, as such, was made the supreme law of the land. Now, what is it?

1. It is negotiated by plenipotentiaries on both sides.

2. The United States give peace to the Cherokees, and receive them into favor and protection.

3. A mutual restoration of prisoners, &c. is agreed upon.

4. The boundary between the Cherokees and the citizens of the United States (within "the United States of America"—the technical corporate name of the confederation, excluding the idea that the hunting grounds lay in

Georgia) is stated in these terms, "the boundary allotted &c. is, and shall be, the following," going on to state it. Now, sir, what form of words can add any thing to the strength of the covenant or guaranty involved in the phrase "is, and shall be," and that without limitation as to time? The guaranty in the treaty of Holston is nothing more than this. It binds the United States and Georgia with them, and will bind forever, unless the Cherokees choose to remit the obligation.

5. The citizens of the United States who had settled, or should attempt to settle, westward of the boundary established by that treaty, are outlawed, and left to the Indians to punish as they please. What, then, becomes of the right claimed by Georgia to take possession of this whole country, and annex it to the contiguous counties of that State?

6. Congress "shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they shall think proper." This article, which has been the subject of some criticism elsewhere, is in the very words of the power given to Congress upon this particular subject, in the articles of confederation, with this difference, that, instead of saying "regulating trade and managing affairs with the Indians," it makes a wrong collocation of the words, and says, "regulating trade with the Indians, and managing all their affairs," the intent obviously being to make the Indians agree that Congress should have the power to regulate the trade of the United States, and manage the affairs of the States, individually or collectively, or both, with them. Congress had no power to go further. The treaties at Hopewell with the Choctaws and Chickasaws are expressed in the same terms. They were probably written by Governor Blount, who attests them, and hence the similarity.

The object for which this power is given to the United States, is set forth in the same article, viz. "For the benefit and comfort of the Indians, and for the prevention of injuries and oppressions on the part of the citizens." By what authority, then, does Georgia, in the face of this treaty, abrogate all their laws, usages, and customs; subject them to her laws, and throw their country open to the inroads, injuries, and oppressions of her own citizens? And what become of the guaranty of boundary, and the protection of the United States promised them!

7. Retaliation is not to be practised on either side, "except for a manifest violation of this treaty; and then it shall be preceded by a demand of justice, and, if refused, by a declaration of hostilities." This, sir, looks very much like sovereignty.

I have said that this treaty was affirmed by the adoption of the constitution as a "treaty made," and it is still in force. To remove all doubt upon this subject, I have only to remark, that, by the treaty of Philadelphia, in 1794, at Tellico in 1798, and again in 1805, and at the Cherokee agency in 1817, by General Jackson, this treaty of Hopewell is recognised as a treaty in force, and perpetuated. But this is not all. In August, 1790, after the constitution was adopted, Washington addressed the following note to the Senate:

"I shall conceive myself bound to execute the powers entrusted to me by the constitution, to carry into effect and faithful execution the treaty of Hopewell, unless it shall be thought proper to attempt to arrange a new boundary with the Cherokees, embracing the settlements, and compensating the Cherokees for the cessions they shall make on the occasion." The white people had encroached upon the Cherokees contrary to the treaty of Hopewell; and the question was whether to expel them by force, or purchase the land they occupied, and so by agreement change the boundary fixed by the treaty of Hopewell. He goes on—"Is it the judgment of the Senate that overtures shall be made to the Cherokees to arrange a new

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boundary, so as to embrace the settlements made by the white people since the treaty of Hopewell?" The Senate answer—"That they do advise and consent that the President cause the treaty of Hopewell to be carried into effect according to its terms; or enter into arrangements for a further cession of territory from the Cherokees, at his discretion."

Hence the House see that this treaty was not only affirmed by the constitution, but, at the first session of Congress under the constitution, it was recognised as a treaty, in force; and without any change, except as to the boundary, which has varied with the subsequent cessions of territory, it still remains a treaty in force. It had in it no limitation as to time; and if it be not now in force, let the advocates of this bill tell us when, where, and how it was abrogated.

The treaty of Holston with the Cherokee nation of 1791, was accordingly negotiated, by which a further cession of land was obtained, and thereby the necessity of removing the intruders obviated. A new boundary was established, of course; and in order to preclude forever all disputes relative to said boundary, the same shall be ascertained, (says the treaty) and marked plainly." And by the seventh article, "The United States solemnly guaranty to the Cherokee nation all their lands not ceded by that treaty." Here the guaranty in the treaty of Hopewell is reiterated in a more distinct and solemn form; for it will be found that Washington, when he asked the advice of the Senate to which I have alluded, and in prospect of this identical treaty of Holston, put this question, "Shall the United States stipulate solemnly to guaranty the new boundary which may be arranged?" And the Senate answer, "That, in case a new boundary, other than that in the treaty of Hopewell, be made, the Senate do advise and consent solemnly to guaranty the same." Sir, treaties cannot be annulled at pleasure. There may not be good faith enough in the parties to keep them, but their obligations live. What answer can you give the Cherokee nation when now called upon to redeem this pledge? To make good your guaranty of this boundary, and to prevent the partition of their nation, and the annexation of its parts to Georgia? The President has told us "they must submit." This bill tells us so, and tells the world so. Submit or remove, is the language. This treaty of Holston, the ninth article further stipulated "that no citizen of the United States should go into the Cherokee country without a passport," the barriers of which are all prostrate, and any man may go at pleasure into it, or over it, unless this Government interpose.

Another treaty was concluded at Philadelphia in 1794, and another at Tellico in 1798, by which the Cherokees cede more land, and by which the United States, "in consideration of the cession thereby made, say to the Cherokee nation, that they will continue the guaranty of the remainder of their country forever, as made and contained in former treaties"—Hopewell, Holston, and Philadelphia. This is found in the sixth article of the treaty of Tellico. In the face of these admissions on our part, who will venture to say that the Cherokees are the citizens, the tenants at will, of Georgia! or subject to the jurisdiction of Georgia! Who does not see that they were sovereigns—the sole, the admitted proprietors of the "country we guarantied to them forever"—we, the United States of America!

The same stipulations as to boundary, settlement, trade, and generally as to intercourse, are contained in these treaties, as are comprised in the law of 1802, and show conclusively, not only that the Cherokees are not subject to the jurisdiction of Georgia, but they interpose the most insurmountable obstacles to an assumption of it by Georgia. And I feel justified in affirming, that, unless the laws of the United States and treaties under which we hold millions of acres of land—laws and treaties never questioned until it became necessary to deny their authority

to sustain this claim—are a dead letter, the sovereignty of the Cherokees is recognised, and the protection of them guarantied.

At this stage in the progress of my remarks, allow me to advert to the origin of the claim on the part of Georgia, with a view to a consideration of the settlement of it in 1802.

I have already remarked that, at the commencement of the revolution, the Indian boundary, in the different States, was the boundary of their ordinary jurisdiction, and included the lands which had been purchased of the Indians as the aboriginal proprietors of them. In the progress of the war, a question arose as to the wild lands west of the boundary, and east of the Mississippi. Some of the States, having no particular title to these lands, being severed from them by other interjacent States, had nevertheless a deep interest in this question. An extract from the Journal of Congress in 1783, will show how this matter was viewed by one side, at least, at that time. It is by way of recital. "Whereas the territory (of the United States) comprehends a large extent of country lying without the lines, limits, or acknowledged boundaries of any of the United States, over which, or any part of which, no State can or ought to exercise any sovereign, legislative, or jurisdictional faculty, the same having been acquired under the confederation, and by the joint and united efforts of all: And whereas several of the States acceded to the confederation under the idea that a country unsettled at the commencement of this war, claimed by the British Crown, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property," therefore, Resolved, &c. Nothing was done by Congress upon this proposition. The other States, however, ceded their right to these lands, under certain limitations and reservations not material to be stated, to become a common fund for the benefit of the United States.* Georgia held on, and claimed as her own the immense and valuable tract of land lying between the Atlantic and the Mississippi, a part of which now constitutes the States of Alabama and Mississippi. This was gained by the war of the revolution, the expense of which was apportioned among the States according to "the white, black, and mulatto population," excluding Indians; and, during the confederation, according to the "value of the land in each State granted or surveyed for any person," excluding the wild lands. While Virginia paid eight hundred, and Massachusetts eight hundred and twenty thousand dollars, Georgia paid sixty thousand only.

Immediately after the preliminaries of peace, Georgia undertook to fortify her claim, and passed an act declaring that the boundary of Georgia "do and did, and of right ought to, extend to the Mississippi," resting the right to such an extent of boundary upon her charter and the articles of confederation. The charter had been given up long before, and therefore no claim could be sustained under that, and it is clear the confederation settled nothing in relation to the title to these lands. Georgia, in her constitution of 1798, after setting forth her boundary as in the act of 1783, declares that "all the territory without the present temporary line, and within the limits aforesaid, (that is, between the Indian boundary and the Mississippi,) is now, and of right, the property of the free citizens of this State." By the same article, authority is given to sell to the United States the land lying west of the Chatahoochee, and to procure an extinguishment of Indian claims to the land east of that river. The boundary of the ordinary jurisdiction of Georgia—"the temporary line"—

* New York ceded in	-	-	-	1781.
Virginia,	-	-	-	1784.
Massachusetts,	-	-	-	1785.
Connecticut,	-	-	-	1786.
South Carolina,	-	-	-	1787.
North Carolina,	-	-	-	1789.

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is here recognised in her constitution, and the Cherokee country as lying without that boundary, as also the right of the Cherokees thereto. The purpose of Georgia was to establish in herself the right of pre-emption, as adverse to the right claimed by the United States.

After twenty years' dispute upon this subject, in 1802, commissioners mutually appointed by the United States of the one part, and Georgia of the other, settled this much agitated and long disputed subject. Georgia ceded to the United States the land west of the Chatahoochee, now Alabama, and Mississippi, the United States paying her one million two hundred and fifty thousand dollars, and taking it subject to certain other claims, and among them the Yazoo claim, for which we have paid about five millions. The United States ceded to Georgia the land lying east of said river, or the line of cession, whatever it was, and west of the Indian boundary, or the boundary of her ordinary jurisdiction, and engaged to extinguish the Indian title to it "as early as the same could be peaceably obtained on reasonable terms." The words of cession were, "the United States cede to the State of Georgia whatever claim, right, or title they may have to the jurisdiction or soil of any lands," describing them. It is an assignment or release of the right which the United States had to the jurisdiction and the soil. Now, sir, what was that? Not a right to dictate laws to the Cherokees; not a right to cancel their laws and customs; not a right to invade, cut up, and distribute their country at pleasure. No, sir, the United States never claimed, nor had, nor exercised that right. All our obligations to the Cherokees, by treaties, laws, and what not, were incompatible with it. Not the federative obligation we were under to protect the Cherokees. That was, in no sense, a jurisdictional right, but an obligation, growing out of treaty stipulations—a trust, personal and confidential, to be exercised by the United States, and not assignable nor removable, but by the consent of the Cherokees. Nor was it intended to be "ceded," because it has been recognised in ten successive treaties, since the cession, as still existing in the United States. It was a trust, for assuming which, the United States received an equivalent—for which they were paid. It conferred no favor, but imposed an obligation—one, therefore, that Georgia would not have been willing to receive if the United States could have transferred it. What was it, then? Simply and solely the right of pre-emption. This was all the "claim, right, or title" the United States had to the "soil." And the right to protect that right of pre-emption—to defend it, if need be, in any way in which it might be assailed—was all the claim, right, or title the United States had to "jurisdiction." And these were all the United States could or did assign to Georgia, or attempt to. But this whole country was then subject to the Indian title, possessed by the Indian nations, under the government of the Indian laws, such as they were, and fully and absolutely, with the limitations I have named, and those not at all affecting their sovereignty. In this condition of things, the United States stipulated with Georgia to extinguish the Indian title. When? When it could be done peaceably—by treaty, not force—by cession, not usurpation—with the free consent, not against the will of the Cherokees. Here was no stipulation on the part of the United States, express or implied, to adopt any expedient to hasten the extinguishment of their title, which was not open and honorable; not even when it could be done "peaceably," unless on "reasonable terms"—for a fair equivalent—not at all events and hazards; not an obligation absolute, but conditional. And if the Cherokees refuse to sell, and to leave their country, by compact with Georgia, the United States are under no obligations to her, subjecting the compact to any rule of right reason, by which contracts with individuals are governed. The land was not hers before. The compact is an admission of it. It is not to become hers until the event happens that is to make it hers; and that is, the extinguish-

ment of the Indian title. Conformably to this view, both parties acted for the twenty-six years next succeeding the compact. If Georgia be now right, the intercourse law of 1802, which was in force when her compact was made, was a direct invasion of her sovereignty. Did she ask for its repeal? No, sir. Her courts enforced it, and have done it ever since. The treaties then existing were also an invasion of her sovereignty, interdicting the Governor, upon her assumption, from passing a line within her own jurisdiction—from entering or leaving the city of Savannah, for example. Did she require that they should be modified or annulled? Not only no stipulation was made on this subject when it was under examination by the commissioners, but no request even. And until very lately she has acquiesced in them, and in ten other successive treaties of the same character, made since, taking the fruits of them, without an intimation to the Indian nations that they were void, or that they were parting with their land for nothing. Now, sir, I say this question—this long disputed, and, if you please, vexed question—is settled; is not open to re-examination by Georgia. If there be force in law, or force in treaties, or force in contract, this question is settled, and Georgia is bound and estopped on this subject.

But admitting the right of pre-emption to those lands to be in Georgia, by virtue of the compact of 1802, and if impatient that she may extinguish the Indian title, let us see how she may do it under the compact by which she claims the right to do it. This is supposing her not bound by the laws or treaties of the United States, but by the act she affirms and under which she claims.

One article of that compact was, that the ordinance of 1787, "in all its parts, should extend to the territory contained in the act of cession," except in one particular, not material here to be considered. One part of that ordinance of 1787, was, that "the utmost good faith should always be observed towards the Indians; their lands and property should never be taken from them without their consent; and in their property, rights, and liberty, they never should be invaded nor disturbed, unless in just and lawful wars, authorized by Congress; but laws founded in justice and humanity should from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them." Another part of the compact was, that whenever any new States, that might be formed out of the territory so ceded, should be admitted into the Union, "it should be on an equal footing with the original States in all respects whatever."

This article in the ordinance of 1787, in relation to the Indians, is declaratory of the rule of justice and policy to which all the States are subject and by which to be governed, as the new States are to come into the Union "on equal terms with the old States in all respects whatever," entitled to the same privileges, and subject to the same duties. When, therefore, the old States require of the new "to make laws to prevent wrongs being done to the Indians, that good faith shall always be observed, that their property, rights, and liberty shall not be invaded," it is an admission that they are under the same obligations. Indeed, these are such principles of natural justice as bind all men, whether declared or not. They, at least, are not unconstitutional principles. Now, sir, can any thing be more clear than that Georgia here admits that the Indians have land—have property—have rights—have liberty? That in the enjoyment of them they are never to be invaded nor disturbed? Or, if at all, only in just and lawful wars authorized by Congress? This is what Georgia concedes to, and affirms of the Indians west of the line of cession—a line that runs through the Cherokee nation. This is what she imposes upon the new States as a fundamental law of their being, subject to which they come into the Union. If true of the natives of Alabama and Mississippi, is it not true, also, of the natives belonging to the same nation on the

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east as well as on the west side of the line of cession? of Georgia as well as of Alabama and Mississippi? Does this compact make a distinction among the people of the same tribe? or between the lands they have seen from the mountains, or passed in the chase, and those they have cultivated? The Cherokees have not only this land, property, and liberty, and these rights here spoken of, but in these they are never to be invaded nor disturbed by any State, never except in a war declared by Congress. How, then, can Georgia extinguish the Indian title, take possession of the Indian lands, without their consent, unless she violates her own compact, as well as the laws and treaties of the United States. But has she not disturbed the Cherokee nation, and invaded their property, rights, and liberty? If by an act to make "all the laws, ordinances, orders, and regulations of a nation," as if they had never been; if to subject the people of it to alien laws, and at the same time to exclude in any suit the evidence of the laws, usages, and customs upon which their property, rights, and liberty all rest as upon their basis, and without which there can be no property, or distinction of property, or rights, or liberty, be not disturbing and invading their property, rights and liberty, will you tell me, sir, what is? If this is not something more than making laws, founded in justice and humanity, to prevent wrongs being done to them, what would be?

There is not an act of Georgia since Oglethorpe first planted his foot upon the site of Savannah, when duly considered; there is not a resolve, ordinance, or law of Congress; there is not a treaty of the United States with the Indian tribes, that does not tend to establish the fact that the Indians are the proprietors of the lands and hunting grounds they claim, subject only to the restriction upon their right of alienation. You might have put the question to every man in this nation, or child on the frontier, and he would have told you so, until the legislation of the States, aided by interest, instructed him otherwise. What, then, becomes of the tenancy at will—at sufferance, as asserted by Georgia? Not one act, law, or treaty that does not establish the fact that they are sovereign. Sir, when were they otherwise? In what field were they conquered? Produce the proof. But be it what it may, it is all controlled by a single, undisputed, admitted fact—here is the nation, until this invasion of it, still sovereign. There is no tradition that has not been lost in its descent, that it was ever otherwise than sovereign. The pyramids of Egypt, upon their own broad and solid foundations, are not better proof of themselves, than the Cherokee nation is of its sovereignty. Sir, the emblems of it were sparkling in the sun, when those who now inhabit Georgia, and all who ever did, were in the loins of their European ancestry; and the bird that bore them aloft in the upper skies—the region that clouds never darkened—was not more the king of birds, than the Cherokees were the lords of the country in which they dwell, acknowledging no supremacy but that of the Great Spirit, and awed by no power but his—absolute, erect, and indomitable as any creatures upon earth the Deity ever formed.

But it is said the constitution forbids the "erection of a new State within the jurisdiction of another State," and therefore the Cherokee Government cannot be tolerated. Before I examined this subject, I was embarrassed by this consideration. But it will be found that this article was drawn with great caution and forecast, and for the very purpose of saving these little sovereignties of the aboriginal inhabitants. In the first place, as has been clearly shown in this debate, they are not a "State," within the meaning of the constitution. In the next place, they are not a "new State." They were sovereignties when the constitution was adopted; therefore, the existence and toleration of them then was as much a violation of the constitution as it is now. According to the Georgia doctrine, the Government of the United States was then bound to do

what it is now doing; that is, to put an end to the Cherokee nation. In the third place, if a "new State," it is not a State formed "within the jurisdiction" of Georgia. The constitution does not say, in the often repeated phrases, within the "chartered limits," or "geographical limits," or "limits" of Georgia—terms used as if they were of the same meaning as "jurisdictional limits"—the same lines, all coincident. No such thing. The Indian boundary is the limit of the jurisdiction of Georgia. The other lines indicate the extent of country to which she claims the right of pre-emption, and, by every new purchase, of adding to her territory, and thus extending the limits of her jurisdiction.

These equivocal terms were rejected, and the word "jurisdiction" was substituted by the framers of the constitution for the word "limits"—the one extending to the Indian boundary only, and so considered by Georgia herself, down to the time of this dispute, the other being the geographical boundary of the State. Now, I take it upon myself to say, that, after the adoption of the constitution, there was no pretence for affirming that the Cherokees were within the jurisdiction of Georgia.

What the views of the framers of that instrument were in relation to these remnants of once mighty nations, I cannot say. Probably they looked forward to the time when they would melt away, or mingle with the current of white population, or pass off in some other form. Certain I am it was not their intention that "in their property, rights, or liberty they should ever be invaded or molested." This our ancestors said in 1787, and placed it on record; and Georgia said the same in 1802. The Cherokee nation is not, therefore, a new State, formed within the "jurisdiction" of Georgia.

I do not remark upon the improvement made in their form of government; for any man of sense must see that this can make no difference. The more perfect the system, the better. Less the trouble from it.

It has been said also that the United States have not extinguished the Indian title to the lands in question, as agreed at the cession. I have already remarked upon the conditions of the obligation then entered into; and it is a full answer to this complaint, to say that the United States have extinguished the title, until the Indians have refused to cede another acre; and that they have been always ready and willing, and are now ready to do it, if the Indians will consent to it.

Then again it is said that the indisposition to sell is the result of the civilization of the Cherokees; and that that has been brought about by the agency of the Government. The answer to this is, that the United States were under obligation to do what they have done prior to the compact of 1802; and this was known to Georgia; and she took the stipulation, subject to this obligation, which is distinctly recognised in her own compact.

Again: It has been urged against some of the treaties guarantying this country to the Cherokees, that the "just claims of the State of Georgia were" prejudiced thereby, contrary to the constitution. This is begging the question; for Georgia has no "just claim" to the Cherokee country; and, therefore, none is prejudiced. Georgia has no right, constitutional, or any other, that is incompatible with the engagements you have made to the Indian nations, or that is invaded by any law you have passed to "prevent wrongs being done to them, or to preserve peace and friendship with them."

But, sir, you cannot take a step in the argument towards the result contended for by the friends of this bill, without blotting out a treaty, or tearing a seal from your bond. I give to the bill the connexion which it has in fact, whatever may be said to the contrary, with the laws of the States to which it is subsidiary, and with the decision of the President, that the Indians must submit or remove. Now, sir, I say you are bound to protect them where they

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are, if they claim it at your hands. That you violate no right of the States in doing it, and will violate the rights of the Indian nations by not doing it. That when the United States, in consideration of the cession of land made by the Cherokees to this Government, guaranteed to them the "remainder of their country forever," you meant something by it. Sir, it is in vain to talk upon this question; impossible patiently to discuss it. If you have honor, it is pledged; if you have truth, it is pledged; if you have faith, it is pledged—a nation's faith, and truth, and honor! And to whom pledged? To the weak, the defenceless, the dependent. *Eidem Anglorum in foedere elegimus*, they say to you. Selecting your faith and no other—you would not have it otherwise—we reposed our trust and confidence in you, and you alone. And for what pledged? Wherever you open your eyes, you see it; and wherever you plant your foot, you stand upon it. And by whom pledged? By a nation in its youth—a republic boastful of its liberty: may it never be added, unmindful of its honor. Sir, your decision upon this subject is not to be rolled up in the scroll of your journal, and forgotten. The transaction of this day, with the events it will give rise to, will stand out upon the canvas in all future delineations of this quarter of the globe, putting your deeds of glory in the shade. You will see it everywhere. You will meet it on the page of history, in the essay of the moralist, in the tract of the jurist. You will see it in the vision of the poet; you will feel it in the sting of the satirist; you will encounter it in the indignant frown of the friend of liberty and the rights of man, wherever despotism has not subdued to its dominion the very look. You will meet it upon the stage; you will read it in the novel; and the eyes of your children's children, throughout all generations, will gush with tears as they run over the story, unless the oblivion of another age of darkness should come over the world, and blot out the record and the memory of it. And, sir, you will meet it at the bar above. The Cherokees, if they are men, cannot submit to such laws and such degradation. They must go. Urged by such persuasion, they must consent to go. If you will not interfere in their behalf, the result is inevitable—the object will be accomplished. When the Cherokee takes his last look of the cabin he has reared—of the field he has cultivated—of the mound that covers the ashes of his fathers for unknown generations, and of his family and friends, and leaves all to be desecrated by the greedy and obtrusive borderer—sir, I will not venture upon a description of this scene of a nation's exit and exile. I will only say, I would not encounter the secret, silent prayer that should be breathed from the heart of one of these sufferers, armed with the energy that faith and hope would give it, if there be a God that avenges the wrongs of the injured, for all the land the sun has looked upon. These children of nature will go to the stake, and bid you strike, without the motion of a muscle: but, if they can bear this; if they have reduced whatever there is of carth about them, to such a subjection to the spirit within, as to bear this, we are the men to go into the wilderness, and leave them here as our betters.

There are many collateral arguments bearing upon the main point of this discussion, that I intended to have urged, and many directly in my way that I have passed over, and most of them I have but touched. But, full of interest as this question is, I dare not venture longer upon the patience of the House. At this age of the world, and in view of what they have been, and what we were, and of what they have become, and we are, any thing but a breach of faith—the deep and lasting infamy, to say nothing of the appalling guilt of it—with the Indian tribes. If the great men who have gone before us were so improvident as to involve the United States in contradictory and incompatible obligations, a breach of faith with all the world besides, rather than with these our confiding neighbors. If

we must be made to blush, let it be before our equals. Let there be at least dignity in our humiliation, and therefore something of generosity, or courageous daring—something besides unmixed selfishness and domineering cowardice in the act that produces it.

Mr. EVERETT said he sensibly felt the disadvantages under which he rose to address the House. Submissive as he would ever be to the will of a majority of that body, he must express the opinion, that this discussion had been urged forward somewhat too severely. The bill was first taken up [said Mr. E.] in Committee of the Whole, on Thursday last. That and the following day were occupied by the worthy chairman of the Committee on Indian Affairs, with the exposition in which he opened the case. The hours appropriated to debate on Saturday were taken up by the gentleman from New York, on the other side of the question. Monday was consumed by two gentlemen from Georgia [Messrs. LUMKIN and FOSTER] in supporting the bill, and the gentleman from Connecticut [Mr. ELLSWORTH] in opposition to it. Yesterday was occupied by several gentlemen opposed to the bill: but the able argument of the gentleman from Delaware [Mr. JOHNS] was made when it might as well not have been made; at that hour of the day, or rather of the night, when it is impossible to bring the attention, worn down by a protracted session, to the consideration even of a subject as important as this. After a session of more than twelve hours, last night, the Committee of the Whole refused to rise, at the request of more than one gentleman, who expressed a wish to address them against the policy now proposed; and when the committee did rise, the bill was reported to the House. Thus, sir, of five days given to the discussion of a bill of this vast importance, a little more than two is all that has been allowed to those who think that it ought not to pass. The bill is now out of committee, and it is not in order to reply to any thing that has been urged in its favor. You have given us less time to discuss this all important measure than you devoted to the subject of a draughtsman for the House. I cannot think an urgency and a precipitation like this to be justifiable on such a subject.

Had the discussion been permitted to go on a little longer in Committee of the Whole, as we were promised it should by the worthy chairman, (who, as far as it depended on him, would, I am quite sure, gladly have redeemed his pledge,) I intended to go at length into the argument set forth with such ability in his exposition of the policy of the bill. It is not in order now to execute this purpose; and if I were otherwise in a condition to do it, I could not attempt it. For the purpose of pushing forward this measure, the sessions of the House have been protracted to a point beyond the power of the human constitution to bear; and the little strength which I brought with me five hours ago to the House, has failed in the long waiting for an opportunity to address the House. I shall not, therefore, attempt to engage in the great constitutional argument involved in this bill, nor to travel through the wide region of historical research, necessary to illustrate it in all its bearings. I shall confine myself to a limited and practical view of the subject, and a single branch of the argument.

But, before I proceed, I will say a word or two on the imputation of mercenary motives against some of those individuals who, out of this House, have been conspicuous for their endeavors to enlighten the public mind on this subject. That imputation has obtained no small currency elsewhere, and has, to say the least, lost no strength by the terms in which it has been repeated on this floor. It has been more than insinuated, that their pretended zeal in the cause of the Indians, on the score of humanity and religion, is prompted by the basest motives of selfishness, and that the annuities of the Cherokee nation have been looked to, and have been disbursed, as the reward of these pretended efforts of philanthropy.

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I will not undertake a sweeping vindication of men whom I do not know, against a vague charge of this kind, made without the least specification of facts. If there are some, who, from unworthy motives, have affected an interest in this good cause, it is no more than happens in every other good cause. I know none such; I defend none such, if they are known to others. But, with respect to the individual most meritoriously conspicuous for his efforts in this cause, the author of the essays of William Penn, (so often alluded to on this floor, but which stood in no need of such mention to give them reputation in the country,) I will say of that gentleman that he is quite above the reach of that imputation, come it whence it may. He needs no defence against it. It cannot attach itself to him, not even as possible to be conceived of. Sir, I will go further: With some means of information, though not of my own seeking, I will say that not a shadow of proof has been adduced that one dollar has been expended by the Indians to procure or to compensate any exertion that has been made on their behalf. I have no belief that a dollar has been so expended by them.

I say this, because I think it due to truth and fact, and not because there would have been any impropriety in such an expenditure, applied in a proper way, and as it is constantly done by men who have large interests at stake. So far from its being improper, had I, when these troubles began, three or four years ago, been called upon by the Cherokees for my humble advice, I would, in lieu of every thing else, have advised them to retain the services, at any cost, of the ablest counsel in the United States. How can it be expected that this friendless, unrepresented people, with no voice in our councils, no access to our tribunals, no place in our community, should, without aid, plead their own cause effectively against the States that surround them, and the General Government itself? I am only astonished that they have been able to sustain their cause as they have; and had their whole annuity been applied for the purpose I have named, it would have been the best use that they could have made of it. Had this been done, their fate would not now be trembling on our decision, coerced under the previous question, in a midnight session.

As I have already stated, I shall not go into the constitutional argument. It has been most ably treated, and an array of authorities set forth, which has not been, and, in my judgment, cannot be shaken. I will, in passing, but add one to their number, which has not yet been cited, and which shows that the principle on which this Government has hitherto acted toward the Indians, and which it is now proposed to repudiate, has been incorporated, as far as it was in our power to incorporate it, into the law of nations. We were happy enough to lay down those principles as the basis of our policy toward the Indians, when that policy was under discussion at Ghent, in 1814. The British negotiators then made this allegation against our envoys:

"The American Government has now, for the first time, in effect, declared that all Indian nations living within its line of demarcation are its subjects, living there upon suzerainty on lands which it also claims the exclusive right of acquiring; thereby menacing the final extinction of these nations."

Such was the charge of the British negotiators, in their letter of 4th September, 1814. To this charge the American envoys made the following reply:

"If the United States had now asserted that the Indians within their boundaries, who have acknowledged the United States as their only protectors, were their subjects, living only at their suzerainty on their lands, far from being the first in making that assertion, they would only have followed the example of the principles uniformly and invariably asserted in substance, and frequently avowed in express terms by the British Government itself. * * *

"From the rigor of this system, however, as practised by Great Britain and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the law of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England and the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example which the United States, since they became, by their independence, the sovereigns of the territory, have adopted and organized into a political system. Under that system, the Indians residing within the United States are so far independent that they live under their own customs, and not under the laws of the United States; that their rights upon the lands where they inhabit or hunt are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that, whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them."

Such, in 1814, was the opinion entertained of our Indian relations, by John Quincy Adams, James Bayard, Henry Clay, and Albert Gallatin.

But I pass to a narrower view of the subject. I shall treat this matter plainly and practically. I shall go into no abstractions, no refinements. I go to the substance. What is the question? It is, whether, by passing this bill, we will furnish the means to carry into effect the policy "prescribed" by the Executive for the removal of the Indians. Yes, sir, "prescribed;" I use the word, but it is not my own. At an early stage of the session, the course for which this bill furnishes an appropriation, was, by a member of this House, friendly to the bill, said to be "prescribed" by the President. This language, I believe, is novel on this floor. I never heard it, nor heard of it before, in any connexion with this House. I was not aware that there existed an authority on earth that could prescribe any thing to this House: It struck my ear, but it seemed to excite no surprise; it passed as matter of course; no one protested against it as an infringement of the privileges of this House. I did, indeed, then almost give up the cause in despair. What hope could be left, when, organized as parties are, in and out of this House, a measure like this could be said to be "prescribed" by the Executive?

What, then, is this prescribed policy? It is to co-operate with the States, and particularly with Georgia, Alabama, and Mississippi, in removing the Indians. I name these States, for a reason that I shall presently state. I omit North Carolina and Tennessee, because the provisions of the bill do not apply to them. In the State of Tennessee there is a large and valuable tract of land, occupied by the Cherokee Indians. Those lands lie north and east of the congressional reservation line of the State of Tennessee; The United States have long since ceded their interest in them to the State of Tennessee; and whenever the Indian title to them is extinguished, it will of course be, as in similar cases it always has been, at the expense of that State. For this reason, and to prevent the provisions of the bill, as originally draughted, from applying to the States of North Carolina and Tennessee, an amendment was moved by a Senator, and adopted as a feature of the bill. * Those States have no interest in it.

* The amendment referred to is in these words: "Within the bounds of any one or more of the States or Territories, where the land claimed and occupied by Indians is owned by the United States, or the United States are bound to the State, within which it lies, to extinguish the Indian title thereto."

The bill then provides the means for co-operating with the States of Georgia, Alabama, and Mississippi, in removing the Indians within their limits: It is not a substantive measure, ending where it begins, in the legislation of Congress and the action of the General Government. It is a joint policy. We are to do part, and the States to do part. We are to furnish the money, and a portion of the machinery. The great principle of motion proceeds from the States. They are to move the Indians. We are to pay the expense of the operation.

What is the warrant for such a statement? I admit, as amply as gentlemen please, that it has long been the policy of the General Government to remove the Indians from their lands, if their consent could be obtained, in treaties negotiated with them, as thus far independent societies. It is a policy we have long pursued, and with a success which, one would think, would satisfy the warmest friend of Indian cessions. We have acquired east and west of the Mississippi, by treaties, about two hundred and thirty millions of acres of land. I do not wish to be understood as condemning this policy. The consideration paid to the Indians has, I believe, generally been to them a fair equivalent for the value which the lands ceded possessed in their hands. But with the four southern tribes, the policy had been pushed so far, and so rapidly, that they had come to the resolution that they would cede no more. We tried it with each tribe; through the agency of the most respectable and skilful commissioners; by the offer of the largest bribes; by the force of the most unwearied importunity. The answers came, at last, in terms from one of them, and in substance from all: "that they would not cede another foot of land." Such, no doubt, was their determination, but they could not have adhered to it; and if the States had been willing to exercise a little patience, there is no doubt that they would, in the course of no long period of years, have obtained all they wish. This they did not think it expedient to do. The United States having abandoned for the present the hope of obtaining by treaty any more lands from the southern tribes, and it having been determined, in the words of President Monroe, that force was not to be thought of, the matter must, under the constitution and laws of the States, for the present, have rested where it stood three years ago. There is no way known to the constitution and laws of the United States, by which Indian land can be acquired, but conquest in open war, and amicable agreement by treaty.

Here, then, the States step in with the novel, and, as I regard it and deem it fully proved in this debate, the unconstitutional and illegal extension of their ordinary civil and criminal jurisdiction over these tribes, accompanied with enactments peculiarly operative and oppressively binding on them. The Indians (with whom we have negotiated treaties) promising them protection, come and ask to be protected against this unheard of assumption. They ask us to ward off the blow aimed at them; to arrest the strong arm stretched out against them. The President tells them he cannot do it. The Executive Government reiterates that we cannot, shall not, will not, give them this protection; and the President advises them to remove westward.

Now, what are these laws? I will not now specify their provisions. It is sufficient to say, in the general, that they are such, by all admission, that the Indians cannot live under them. The Indians say they cannot live under them. The Executive tells them they cannot live under them. The States evidently do not expect that they can or will live under them. The laws were, beyond all question, not passed with any such design; they are not so regarded by the Indians, nor by ourselves. What says the Chief Magistrate? "A portion of the southern tribes having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent Government within the limits of Georgia

and Alabama. These States, claiming to be the only sovereigns within their limits, extended their laws over the Indians, which induced the latter to call on the United States for protection."

The President, after an argument on the extent of the right of the Indians to erect an independent Government, an argument sufficiently examined already in this debate, goes on to say:

"Actuated by this view of the subject, I informed the Indians inhabiting parts of Alabama and Georgia, that their attempt to establish an independent Government would not be countenanced by the Executive of the United States; and advised them to emigrate beyond the Mississippi, or submit to the laws of the States."

It is plain that it was the first part only of this advice, viz. the removal, that the President thought it for the interest of the Indians to follow. This we see in the following language of the Secretary of War, in his instructions to Generals Carroll and Coffee, bearing date 30th May, 1830:

"A crisis in our Indian affairs has arrived. Strong indications are seen of this in the circumstance of the Legislatures of Georgia and Alabama extending their laws over the Indians within their respective limits. These acts, it is reasonable to presume, will be followed by other States interested in those portions of their soil, now in the occupancy of the Indians. In the right to exercise such jurisdiction, the Executive of the United States fully concurs; and this has been officially announced to the Cherokee Indians. The President is of opinion that the only mode left for the Indians to escape the effects of such enactments, and consequences yet more destructive, which are consequent on their contiguity with the whites, is to emigrate."

"The President views the Indians as the children of the Government. He sees what is best for them; and that a perseverance in their refusal to fly the dangers that surround them, must result in their misery and final destruction. He would, if appeals to their reason fail, induce them, by rewards, to avoid the threatened calamity."

"Your first business, should you consent to engage in this work of mercy to the Indians, would be to ascertain upon whom, as pivots, the will of the Cherokees and Creeks turns. Go to them, not as a negotiator, but friend. Open to each a view of his danger, and the danger that threatens his people. This may be made up of references to their present state, as to numbers, when compared with the past; the causes that have produced this thinning of their numbers; and here you might enlarge on their comparative degradation as a people, and the total impossibility of their ever attaining to higher privileges while they retain their present relations to a people who seek to get rid of them; to the inefficiency of their own laws for their advancement; and, finally, to the fact that these will be superseded and trodden under foot by the exercise over them of the laws of the States. And here you might amply illustrate the really difficult relation which the Cherokees, particularly, bear to this question, by the passing over them of the various laws of four States."

This is the language held by the President and Secretary of War, as to the character and effect of these State laws. That the Indians regard them in the same light as connected with their own removal, is seen, if it need confirmation, in Governor Carroll's despatch to the Secretary of War. In a letter dated Winchester, Tennessee, 2d September, 1829, that most respectable and distinguished citizen uses the following language:

"The truth is, they (the Indians) rely, with great confidence, on a favorable report on the petition they have before Congress. If that is rejected, and the laws of the States are enforced, you will have no difficulty in procuring an exchange of lands with them."

Sir, I have seen an authentic account of the proceedings of the Choctaw council, lately convened to consider this subject of emigration. It was a scene, as we are told

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by the Mississippi papers, that could not be witnessed without tears. After the new chief had been installed in office, "he introduced to the council the subject of a removal in this way: he first stated some of the laws of Mississippi, and then inquired of them whether they would remain where they were, and submit to these laws, or remove over the Mississippi. He also stated the substance of the last talk to them of the President of the United States. The captains and others rose and spoke: the general sentiment was, we are distressed—we cannot endure the laws of Mississippi—we do not think our great father loves us—we must go, as he will not help us while we remain here."

If another authority is needed, I will add that of General Coffee, in a letter to the Secretary of War, dated Creek Agency, October 14, 1829: "They express a confident hope that Congress will interpose its power, and prevent the States from extending their laws over them. Should they be disappointed in this, I hazard little in saying that the Government will have little difficulty in removing them west of the Mississippi."

If the States enforce the laws, they will be glad enough to go!

The States declare they will enforce them. The Indians cry to us for protection. We tell them we will not protect them; and the consequence is, they go.

This bill is to appropriate the funds for their removal. Such is the bill of which we are told that there is nothing in it objectionable, that it contemplates nothing compulsory. This is the removal which is said to be voluntary. These are the laws which are said to have no connexion with the subject; into which we have been told it is irrelevant and idle to inquire.

Nothing to do with the subject! Take the bill as it is! Not to presume that Georgia, Alabama, or Mississippi has passed, or can pass, any law that varies this question! Why, it is the very point on which the rightfulness of the measure turns. Here is wrapped up the great objection to the removal, that it is compulsory; an objection which we published ten thousand copies of the report of the Indian committee to obviate; and which is not touched, I believe, in that report. The State laws nothing to do with our legislation! Why, they are the very means on which our agents rely to move the Indians. It is the argument first and last on their tongues. The President uses it; the Secretary uses it; the commissioners use it. The States have passed the laws. You cannot live under them. We cannot and shall not protect you from them. We advise you, as you would save your dear lives from destruction, to go.

I appeal to the House if I overstate this point.

The question, then, is, shall we nerve the arm of this State legislation, which is put forth forcibly to remove the Indians? That is the question for us to decide. It is the only question, and we are the only authority. This Congress is the only tribunal clothed with power to decide it. It depends on our vote; and it depends on nothing else. It is the business of the President to enforce our laws, not the laws of the States. He is solemnly sworn, to the best of his ability, to "preserve, protect, and defend the constitution of the United States," to take care that the laws we pass are faithfully executed; and "this constitution and the laws of the United States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding."

The President, then, has no power in this matter but to execute the laws and treaties of the United States. The great question is to be settled by us. We are to protect the Indians from this legislation, or abandon them to it. No other power on earth can do it.

Sir, it is force. The President himself authorizes us to call it force. In his message, at the opening of the session,

he says: "By persuasion and force they have been made to retire from river to river, and from mountain to mountain." When were any means employed to detrupe the Indians, better entitled than these laws to the name of force? He does not probably refer to open wars against hostile nations, in which he has been himself, so beneficially for his country, and so much to his own fame, distinguished. No. I take the message to intend legislative force, moral force, duress, the untiring power of civilized man pushing his uncivilized neighbor farther and farther into the woods. This I take to be the force to which the President alludes. And if this kind of action, unavoidably incident to the contiguity of the two races, be justly called force, how much more so the legislation of which the Indians complain, avowedly instituted to effect their removal, and confessedly insupportable in its nature!

Sir, it is force. It is because it is force that our interference for protection is invoked. I know it comes in the form of law; but is not the law force? Suppose the Indians disobey the laws, (and they are no more bound to obey them than the Mexicans are,) is there no force then? Are not the sheriff, the constable, the jailor, the executioner, ministers of force? No force? A law passed over my head by a power which I cannot resist, a law intended to make me fly the country, because I cannot live under it, and I not forced to go? There was no force, then, applied against the Hugonots by the revocation of the edict of Nantz. They had only to adopt the catholic faith, and dragoons were sent among them to assist in their conversion. There was no force employed by the British Government toward the puritans. They needed only to conform to the established church, and they would then be safe from the visitations of the star chamber. But it was well known that these victims of power could not and would not submit; and history has recorded that they were driven by force from their native land. I do not say that the State laws are as oppressive as these odious measures of a dark and bigoted age in Europe. I do but take their admitted character, which is such that the Indians cannot live under them. The peculiar kind and degree of the disability imposed by the laws are immaterial, if, in the general result, they are, as they are admitted to be, intolerable.

I say again, then, that legal force is the most efficient and formidable that can be applied. It is systematic, it is calculated and measured to effect its end. The sovereign power sits calmly in its council chamber, and shapes its measures most effectively to the desired object. Actual physical force is either tumultuary, as that of the mob, and of consequence transitory; or it is that of the military arm of the Government, which, from the nature of things, is put forth only at a crisis, and to meet the exigency of an occasion. But force embodied in the form of law, a compulsory legislation, a code beneath which I cannot live, a duress which surrounds me, and pursues me whithersoever I travel, wherever I abide; ever acting by day, ever watchful by night, co-extensive with the land in which I live; sir, I submit to this Congress of reasonable men, that it is the most effectual, and the most appalling form in which force can be applied, the most disheartening. All other force awakens a manly courage of resistance. This deadly influence of an unfriendly legislation, this cold averted eye of a Government, which has checks and restraints for you, but no encouragements nor hopes: in short, this institution of things which is intended to depress, harass, and prostrate you, beneath which, you feel you cannot live, and which drives you as an outcast from your native land; this is the force which every freeman would most deprecate.

Sir, I acknowledge my mind has been strangely confounded by the propositions laid down by the Executive Government, and those who support its policy toward the Indians. I am ready to think that they or I

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have lost sight of the ordinary significance of terms. I had supposed the general idea of the nature of law was settled in the common agreement of mankind. Sages, when they attempted to describe it in its highest conception, had told us that its seat was the bosom of God, and its voice the harmony of the worlds. I had been taught to reverence the law as a sort of earthly Providence; as the great popular sovereign; the unthroned and sceptreless prince; the mild dictator, whose province it was to see that not a single subject of its sway received harm. With these conceptions, how can I understand it when I hear that the Indians claim to be protected against the laws of the States? Protected against the laws! I thought it was the object of the law to protect every good man from all harm whatever; and even to visit on the bad man only the specific penalty of his proven offence. But protection against the law: protection against the protector! Sir, I cannot understand it: it is incongruous. It confounds my faculties. There must be fatal mischief concealed in so strange a contradiction of language.

It has been asked, in a highly respectable quarter, "what has a Cherokee to fear from the laws of Georgia?" Is it necessary for me to answer that question, and tell what a man has to fear from laws under which it is admitted he cannot live? But I will answer the question specifically; and, in the answer I give, I implore gentlemen whose duty it is to vindicate the honor of Georgia, not to understand me as casting any imputation upon it. I will say nothing which the most tender sensibility can construe into an aspersion of her honor, because I mean nothing which can be so construed. I will state, then, what a Cherokee has to fear from the laws of Georgia.

By the fifteenth section of her law of 19th December, 1829, it is provided "that no Indian, or descendant of any Indian, residing within the Creek or Cherokee nation of Indians, shall be deemed a competent witness in any court in this State to which a white person may be a party, except such white person reside within the said nation."

It would be going out of my way to dwell on the point, yet I cannot but remark, in passing, that this law makes a singular discrimination, both as respects the credibility of Indian testimony and the rights of Georgian citizens, whom it is the presumable intention of the law to protect against evidence which cannot, in its alleged nature, be sufficiently responsible. Georgia has attached the different portions of the Cherokee country to her several adjacent counties, and made them parts of those counties. It is well known, also, that, in proportion as the Cherokees have been drawn off by emigration, citizens of Georgia have advanced into the country, and numbers of them are now resident there. Against these latter, the Cherokee is a competent witness in a court of law. Here, then, we have the singular incongruity that Indian testimony is good against a Georgian citizen in one part of a county, and not good against him in the other. Thus the citizen of the county of Gwinnett, who lives at Lawrenceville, is safe against Indian testimony. But the citizen of the same county, west of the Chatahoochee, may be tried and convicted on that testimony in the same court. So, too, the Cherokee is an incompetent witness; he cannot give testimony, on a sufficiently responsible sanction, against any citizen of Lawrenceville; but the court will receive his testimony as adequate in any cause in which a citizen of Georgia from the other side of the river is a party. It is an obvious consequence of this state of things, that the same Indian, in the same court, and on the same day, is and is not a competent witness. This hour, he is, according to the argument, an uncivilized pagan, possessing no religion nor superstition by which the court can bind his conscience; the next hour he may swear away the life of any Georgian resident in the Indian country. Does not this show that the law has no foundation in any political or social necessity?

But I return to the question, what has the Cherokee to

fear from this law of Georgia? He has this to fear. The citizens of Georgia, I admit, freely and cheerfully, to be as orderly, virtuous, and humane a people as the citizens of any other State of the Union. I presume, however, that in Georgia, as in every other State, there are individuals, in considerable numbers, who regard the law only for its terrors; whom justice and honesty do not control, except as they are enforced by the law. Such men exist in all the States; they keep our courts of criminal jurisdiction constantly employed. In my own State, and in perhaps the most orderly community in it, the country has lately seen, with horror and astonishment, that there are men capable of atrocities which would shock the brigands of Calabria. Well, then, sir, suppose the State of Georgia to contain some such; they have but to cross the Cherokee line; they have but to choose the time and the place, where the eye of no white man can rest upon them, and they may burn the dwelling, waste the farm, plunder the property, assault the person, murder the children of the Cherokee subject to Georgia, and, though hundreds of the tribe may be looking on, there is not one of them that can be permitted to bear witness against the spoiler. When I am asked, then, what the Cherokee has to fear from the law of Georgia, I answer, that, by that law, he is left at the mercy of the firebrand and dagger of every unprincipled wretch in the community. Am I told the laws of Georgia are kindly administered towards this people; that they have often obtained justice in the courts of Georgia? I do not doubt it; I know it, on the best authority. But the law of which I speak, is a new law; it has not yet gone into operation; and, when it has gone into operation, let it be administered as mildly as you please, it cannot admit an Indian's testimony against a white man not resident in the nation.

What has a Choctaw to fear from the laws of Mississippi? He has this to fear. The fifth section of one of those laws provides "that any person or persons who shall assume on him or themselves, and exercise, in any manner whatever, the office of chief, mingo, head man, or other post of power established by the tribal statutes, ordinances, or customs of the said Indians, and not particularly recognised by the laws of this State, shall, on conviction, upon indictment or presentment before a court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, and be imprisoned any time not exceeding twelve months, at the discretion of the court before whom conviction may be had."

Now, sir, there is a treaty between the United States and the Choctaw nation, negotiated at Doak's stand, not ten years ago, and signed on behalf of the United States by the present Chief Magistrate, and the respectable member [Mr. HINDS] from Mississippi. The thirteenth article of that treaty is as follows: "To enable the mingoes, chiefs, and head men of the Choctaw nation to raise and organize a corps of light-horse, consisting of ten in each district, so that good order may be maintained, and that all men, both white and red, may be compelled to pay their just debts, it is stipulated and agreed that the sum of two hundred dollars shall be appropriated by the United States for each district annually, and placed in the hands of the agent, to pay the expenses incurred in raising and establishing the said corps; which is to act as executive officers, in maintaining good order, and compelling bad men to remove from the nation, who are not authorized to live in it by a regular permit of the agent."

Now, as I understand the law of Mississippi, any person who should presume to act as a chief among the Choctaws, and to exercise the authority given him by this treaty, and put in action the force which the United States not only recognise and sanction, but support and pay, would be subject to fine and imprisonment. If they come to the President, and say, here is the treaty, and here is your own signature and seal; the President has been induced, by his

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official advisers, to tell them he cannot protect them, and to prison they must go, and their fine they must pay, whenever it shall be the interest of any one to drag them before the courts of Mississippi. Sir, it has been stated to me, I do not vouch for the fact, but so I have been informed, that, since the passage of this law, the whiskey traders have made their inroads into the Choctaw country; the chiefs dare not exercise their own strict laws against them, for fear of incurring the severe penalties above recited; and thus the first-fruits of this State legislation has been to arrest the progress of the reform, which had commenced and made the most extraordinary progress among the nation, in that vice to which they are supposed to have the strongest natural disposition.

I have shown, sir, what an Indian has to fear from the laws of the States. I now feel warranted in repeating that it is the object of this bill to appropriate a sum of money to co-operate with the States in the compulsory removal of the Indians.

Notwithstanding all that has been said to the contrary, I pronounce this to be a new policy. We have been told that it is the established policy of the Government; that many successive Presidents have recommended it; and many successive Congresses have appropriated funds to carry it into effect; and much surprise is expressed that now, for the first time, it should meet with opposition. I maintain, on the contrary, that it is a new policy, and I challenge the proof that it is not.

Sir, I do not know that even the voluntary removal of the Indians was ever regularly considered and adopted by Congress, the only power competent to adopt it. I know that, from time to time, steps have been taken to effect such a voluntary removal by treaties, and that appropriations have been made to carry the treaties into effect. This is the most that has been done by Congress. I am aware that, at the second session of the eighteenth Congress, a bill passed the Senate, but was not, I believe, acted on in the House, which made an approach toward a systematic removal of the Indians; carefully guarded, however, to be purely voluntary; and this bill passed at a time before the coercion of State laws was thought of. The provisions of that bill are widely different from the provisions of the bill before us, and coincide with the judicious amendment to the latter which the gentleman from Pennsylvania [Mr. HEMPHILL] has already announced the intention of offering, and for which I tender him my hearty thanks. The third section of the bill which passed the Senate in 1825, provides—

"That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint five commissioners, to receive a reasonable compensation, who shall, under his instructions, hold treaties with the Osages, the Kansas, or any other tribe having just claims to the country, for a cession of territory westward of the State and Territory aforesaid, for the purpose above specified; and to visit the Cherokees, Creeks, Choctaws, and Chickasaws, residing in North Carolina, Georgia, Tennessee, Alabama, and Mississippi; the Delawares, Kickapoos, Shawnees, Weas, Ioways, Piankeshaws, Cherokees, and Osages, residing in Missouri and Arkansas; and the Wyandots, Shawnees, Senecas, Delawares, Kaskaskias, and the Miami and Eel river Indians, residing in Ohio, Illinois, and Indiana, in order to make known to them the views of the Government; and, under the directions of the President, and with the consent of the Indians, to adopt such measures, and form such arrangements, or to enter into such treaties, as may be deemed proper to effect the same; and to pledge, in such manner as he may direct, the faith of the nation, as he is above authorized to do; the said commissioners to act either jointly or separately, as he may direct."

This is the nearest approach that I am aware was ever made to the enactment, by Congress, of a systematic plan

for the voluntary removal of the Indians; and this, as I have said, was long before the attempt had ever been made, by the States of Georgia, Alabama, or Mississippi, to extend their laws over the Indians within their limits. That this pretension is of the most recent character, the passages cited by the gentleman from Maine [Mr. EVANS] from the speech of the Senator from Mississippi, in 1827, abundantly prove—if, indeed, the fact be not too notorious to require proof.

I therefore pronounce again the policy of this bill to be wholly novel. Its great distinctive element, the part to be performed by State legislation, is entirely new. It is not three years old. When gentlemen tell me this is the ancient policy of the Government, let them point out the laws, passed by the States, under which it was impossible for the Indians to live, and which required them to remove, in order to escape destruction. These laws cannot be pointed out. It is a new policy. The State laws are not two years old; and the refusal of the Executive of the United States to protect the Indians against them, is not a year old. On the 11th of last April, the officer at the head of the bureau of Indian Affairs informs the Cherokee delegation, by direction of the Secretary of War, "That the Secretary is not now prepared to decide the question, involved in the act of the Legislature of Georgia, to which you refer, in which provision is made for extending the laws of Georgia over your people after the 1st of June, 1830. It is a question which will doubtless be the subject of congressional inquiry, and what is proper in regard to it will no doubt be ordered by that body."

So late, then, as the 11th of April of the last year, the essential feature of this "ancient policy" had not received the sanction of the present Executive. On the 30th of the May following, (not yet a year,) we learn from the instructions of the Department to Generals Carroll and Coffee, that, "in the right to exercise such jurisdiction"—that of the States over the Indians—"the Executive fully concurs."

It is, in my judgment, much to be regretted that the President should have felt himself authorized to decide this question, which, about six weeks before, had been pronounced by the Secretary of War to be a matter in regard to which "no remedy exists, short of one which Congress alone can supply."

On the strength of these documents, I may venture to pronounce this policy, (which has been recommended to us as the ancient and established policy of the Government,) to be the growth of the last twelve months.

And now, sir, let us proceed to contemplate it in some of its details. The notion which seems to accompany this plan of removal, in both the voluntary and compulsory forms, the notion, I mean, of an Indian State to be elevated to an equality with the political members of this Union, appears to have presented itself vaguely to the old Congress. In the treaty with the Delawares, negotiated in 1778, it is provided as follows in the sixth article:

"It is further agreed on between the contracting parties, (should it for the future be found conducive for the mutual interests of both parties,) to invite any other tribes, who have been friends to the interests of the United States, to join the present confederation, and to form a State, whereof the Delaware nation shall be the head, and have a representation in Congress." It was also provided in the treaty of Hopewell with the Cherokees, in order "that the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have the right to send a deputy, of their choice, whenever they see fit, to Congress."

It is unnecessary to say that these stipulations were never carried into effect. They are properly quoted as illustrating the opinions, held at that period, on the subject of Indian relations. Each of these treaties existed prior to the constitution, and was recognised by that instrument, and,

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consequently, by every State which adopted it, as a portion of the law of the land, "any thing in the constitution or laws of any State to the contrary notwithstanding."

When Mr. Jefferson acquired Louisiana, he conceived the idea of providing, in the upper part of it, an abode for the Indian tribes. His idea was, to remove the Indians, by treaty, from the eastern to the western bank. "The inhabited part of Louisiana," says he, "from Point Coupée to the sea, will of course be immediately a territorial Government, and soon a State. But, above that, the best use we can make of the country for some time, will be to give establishments in it to the Indians on the east side of the Mississippi, in exchange for their present country, and open land offices in the last, and thus make this acquisition the means of filling up the eastern side, instead of drawing off its population. When we shall be full on this side, we may lay off a range of States on the western bank, from the head to the mouth, and so range after range, advancing compactly, as we multiply."

In another letter, written 1st November, 1803, he uses still more emphatic language: "Spain is afraid of her enemies in Mexico; but not more than we are. Our policy will be to form New Orleans, and the country on both sides of it, into a State; and, as to all above that, to transplant our Indians into it, constituting them a *marechaussée*, (a mounted patrol,) to prevent emigrants from crossing the river, until we shall have filled up all the vacant country on this side. This will secure both Spain and us, as to the mines of Mexico, for half a century."¹

I have more than one object in these citations. An attempt has been made lately, on the strength of a few garbled passages from the Journals of the old Congress, to fix on New England the odious and improbable charge of having refused to protect the West from the Indians, in order to cripple the growth of that part of the country. We here find that this policy, if ever systematically formed, is to be traced to a quarter remote from New England. Mr. Jefferson proposed, in 1803, to collect the Indians on the right bank of the Mississippi, for the express purpose of forming them into an armed guard, to prevent the emigrants from crossing over.

It must be admitted that Mr. Jefferson's project was crude enough, although it was free from most of the objectionable features of the measure now proposed, and possessed some positive advantages. It contemplated no interference of State legislation, but amicable agreement by treaty, as appears by the act creating the territory of Orleans and the district of Louisiana, of the 26th March, 1804. In that act, we find the following section:

"The President of the United States is hereby authorized to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribe shall remove and settle thereon; but, in such stipulation, the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign power, individual State, or with the individuals of any State or power; and that they will not sell or dispose of said lands, or any part thereof, to any sovereign power, except the United States, nor to the subjects nor citizens of any other sovereign power, nor to the citizens of the United States."

We here see that the Congress of 1804 recognised the ownership of the Indians in the lands they occupy; and we find no trace of that coercive State legislation, which forms the great objection to the present measure. In providing, also, that the Mississippi itself, and not an imaginary line, four hundred miles west of it, should be the boundary of the Indians, and that there, for half a century, they should

be securely entrenched behind this mighty barrier, Mr. Jefferson certainly made a vastly better provision for their security, than we can now make. Still, however, in the idea of a successive removal of the Indians, as they should be crowded on by each new range of States, and in thus associating a place of refuge for the Indians with the gradual extension of our own population over the same region, Mr. Jefferson evidently aimed at objects at war with each other, and attempted to promote, at the same time, two measures which were essentially at variance.

Could Mr. Jefferson have executed the first part of his plan, it might have been well for the Indians. Unfortunately for its success, the other portion of the project began instantaneously to execute itself. A principle of our political system was immediately developed, far more active in its progress, far more tenacious in its hold, than any principle that could be applied to the preservation of the Indians. Our own population rushed over the river; they looked round on the broad new region as their own; their own they made it; and before Mr. Jefferson's Indian *marechaussée* could be organized, to keep off the emigrants, the emigrants were sufficiently numerous to embarrass the settlement of the Indians. So that, instead of procuring them an asylum for fifty years, those that were sent over were subject to the same pressure of a rapidly increasing white population, which had borne upon them in the old States.

Sir, could it be otherwise? will it be otherwise? What, are you indeed going to abandon this region to the Indians? Mr. Jefferson's second range of States? This fine tract, as you describe it, six hundred and fifty miles long, and two hundred broad; the garden of the United States; a fine soil, well watered, rich in coal mines, and capable of being covered with forests, are you going to lock it up, in mortmain, for the Indians? Can we stop the wave of population that flows toward it? Will we do it? We cannot; we shall not. Precisely the same process which has gone on in the East will go on in the West. That onward march, which neither the Alleghany mountains, nor the Ohio, nor the Mississippi, could arrest, will not be checked by your meridian lines, nor parchment patents. If the land, as you say, is good, it will never be the policy of this Government to hold the keys of the territory, and turn off the emigrants that will claim to enter. A cordon of troops could not do it. Withhold your leave, and they will go without leave. They will boast themselves your citizens; they will soon demand a territorial Government; they will next swell into a sovereign State; will extend their jurisdiction over the Indians, and drive them into Texas.

Nor was this the only difficulty in the way. The first step in this great policy of removal, was met by the obvious embarrassment, that the territory west of the Mississippi, toward which the removal was to be made, was itself occupied by numerous warlike and powerful tribes of Indians, of a race alien from those whom it was proposed to remove. Previous, then, to removing the Indians from the left bank of the river, it became necessary to remove others from the right bank, to make way for them. What was to become, what did become of those thus to be removed from the right bank? It would require time and sources of information not at my command, to trace them into their narrowed limits, and point out particularly their fate; but the nature of things teaches us what it must have been. Driven into closer bounds, and forced upon neighboring tribes, their removal from the hunting grounds to which they had been accustomed, on the right bank of the Mississippi, must have been the source of wars, destructive to all parties in their immediate effects, and doubly fatal in the interference of our arms, which it involves as a necessary consequence. Be this as it may, on the 8th of November, 1808, a cession was made by the Great and Little Osages, of a large tract of land, containing a considerable part of the present State of Missouri and Territory of Ar-

¹ Jefferson's Works, III, p. 512.

² Ibid. IV, p. 6.

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kanas, amounting to forty-eight millions of acres, for a consideration substantially of about one thousand dollars per annum.

As the first step in this policy of removal, the history of this treaty may be worth repeating. In the year 1804, the President gave his promise to a number of Osage chiefs, then on a visit to Washington, to establish for them a trading house, on the plan authorized by a law of Congress in 1806. The same promise was repeated to another deputation, and in October, 1808, the establishment took place. So far it seemed to be a gratuitous act; but in the following month it assumed a different character. On the 8th of November, 1808, the agent of the United States for the Osages, Peter Chouteau, appeared at Fort Clark. On the 10th he assembled the chiefs of the Great and Little Osages in council, and proceeded to state to them the substance of a treaty, which he said Governor Lewis had deputed him to offer to the Osages, and to execute with them. Having briefly explained to them its purport, he addressed them in the following words: "You have heard this treaty explained to you; those who now come forward and sign it, shall be considered the friends of the United States, and treated accordingly. Those who refuse to come forward and sign it, shall be considered as enemies of the United States, and treated accordingly." The Osages replied, in substance, "that if their great American father wanted a part of their land, he must have it; that he was strong and powerful, they were poor and pitiful; what could they do? He had demanded their land, and thought proper to offer them something in return for it. They had no choice; they must either sign the treaty, or be declared the enemies of the United States."

The treaty was accordingly signed, on the same day; and so much were the Osages awed by the threats of the agent, that a very unusual number of them touched the pen, many of whom had no conception of the purport of the act. It is asserted, in an official report to the department, by the Indian factor at Fort Osage, that the treaty was not fairly understood by a single Osage.

Thus the trading house, which had been established gratuitously, in conformity with the earnest solicitations of the Osage chiefs, and repeated promises of the President, was made a part of the price of the lands acquired under the treaty, by the United States. The treaty was not ratified by the Senate till April, 1810, and the Osages complained of the delay of the payment of the first and second annuities, which did not take place till September, 1811. The trading house was broken up, by order of the Government, in 1813, and was never afterwards renewed, contrary to the expectations and wishes of the Osages, who regarded it as the only benefit which they derived from the treaty.*

Such are the auspices, under which the first steps in the policy of a removal of the Indians from the east side of the Mississippi commenced.

About the same time that the treaty was negotiated with the Osages, a deputation from the Cherokees was encouraged to visit Washington. Here they conferred with Mr. Jefferson; and I have obtained from the Indian bureau his talk to them on this subject. It is not necessary to cite it entire; the preamble to the treaty of 1817 contains enough of the history of this transaction to show its nature. We are there told, that, "in the autumn of the year 1808, a deputation from the upper and lower Cherokee towns, duly authorized by their nation, went on to the city of Washington, the first named to declare to the President of the United States their anxious desire to engage in the pursuit of agriculture and civilized life in the country they then occupied, and to make known to the President of the United States the impracticability of inducing the nation at

large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include all the waters of the Hiwassee river to the upper towns; that, by thus contracting their society within narrower limits, they proposed to begin the establishment of fixed laws and a regular Government: the deputies from the lower towns, to make known their desire to continue the hunter life, and also the scarcity of game where they then lived, and, under those circumstances, their wish to remove across the Mississippi river, on some vacant lands of the United States."

Such was the plan, I beg it to be distinctly observed, of this policy of a voluntary removal, at its inception. Those who went, were to go for the purpose of continuing to lead the hunter's life. Those who staid, were to devote themselves to agriculture and civilization, and were to establish fixed laws and a regular Government.

The approbation of the Executive was given to the measure. Exploring parties went over, and selected a tract of country on the Arkansas and White river, to which a considerable number from the lower towns repaired. The more vigorous prosecution of the measure was probably retarded by the political condition of the United States. But, in the month of July, 1817, a treaty was negotiated at the Cherokee agency, between "Major General Andrew Jackson, Joseph M'Minn, Governor of the State of Tennessee, and General David Meriwether, commissioners plenipotentiary of the United States of America, on the one part, and the chiefs, head men, and warriors of the Cherokee nation east of the Mississippi, and the chiefs, head men, and warriors of the Cherokees of the Arkansas river, and their deputies, John D. Chisholm and James Rodgers, duly authorized by the chiefs of the Cherokees of the Arkansas river, in open council, by written power of attorney, duly signed and executed, in presence of Joseph Sevier and William War." This treaty provided for a considerable cession of the lands of the Cherokees east of the Mississippi. It stipulated, that, during the month of June, 1818, a census should be taken of those who emigrated, and those who staid behind: it guaranteed the protection of the United States to both parties, reciting in the preamble the words of Mr. Jefferson, who declared "the United States to be the friends of both parties, and willing, as far as can be reasonably asked, to satisfy the wishes of both," and who promised to those who should remain "the patronage, aid, and good neighborhood" of the United States; and it provided for running the line between the portion of the territory which the Cherokees ceded, and that which they did not cede.

Such was the treaty, and it was unanimously ratified by the Senate. Among the names recorded in favor of this treaty, which was negotiated in furtherance of the purpose of the Cherokees "to begin the establishment of fixed laws and a regular Government," I find the names of George M. Troup and Charles Tait, the Senators from Georgia. This purpose having been formally avowed by the Cherokee deputation in 1808, did not, of course, have its origin, as has been stated, in 1817; and the fact I have just mentioned shows that it received, at that time, the sanction of the representatives of Georgia in the Senate of the United States.

Although it was the avowed purpose of the Cherokees to provide, by this treaty, for a separation of their community, and to leave to those who wished to stay a permanent home, "fixed laws, and a regular Government," yet the agents of the United States, under the instructions of the department, endeavored, with the severest urgency and pressure, to compel the whole nation to emigrate. For this reason, the taking of the census was delayed, contrary to the treaty which fixed the time when it should be taken, and the remonstrances of the Cherokees; and high pecuniary offers were held out to them, to consent to go *en masse*, or accept reservations, and become subjects of the

* This account is derived from a report of Mr. Sibley, Indian factor at Fort Osage, in Long's expedition to the Rocky Mountains, vol. ii, p. 245.

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States. It is painful to read the documents which contain the history of these transactions.* After all attempts to persuade and overbear them had failed, the project for the time was abandoned, the idea of taking a census given up, and a new treaty entered into on the 27th of February, 1819, by which a further cession of land was made. In the preamble to this treaty, it is set forth that "the greater part of the Cherokee nation have expressed an earnest desire to remain on this side of the Mississippi; and being desirous, in order to commence those measures which they deem necessary to the civilization and preservation of their nation, that the treaty between the United States and them, signed 8th July, 1817, might, without further delay, or the trouble and expense of taking the census, as stipulated in said treaty, be finally adjusted, have offered to cede to the United States a tract of land at least as extensive as that which they probably are entitled to, under its provisions."

This treaty was also unanimously ratified by the Senate, receiving in its favor the vote of Mr. Tat, the only Senator from Georgia recorded as voting on the question.

The whole number of Cherokees, who emigrated to Arkansas before the treaty of 1817, or pursuant to its provisions, is supposed to have been five or six thousand. They are believed to have suffered severely, for several years after their emigration. They immediately became involved in war with the Osages and other tribes of Indians, west of the river; and when a proposal was again made, in 1823, to the Cherokees, under a new commission, to cede their remaining lands, and cross the river, they refused, alleging that "the unfortunate part of our nation, who have emigrated west of the Mississippi, have suffered severely since their separation from this nation, and settlement in their new country. Sickness, wars, and other fatality have visited them, and lessened their numbers, and many of them, no doubt, would willingly return to the land of their nativity, if it was practicable for them to do so, without undergoing various difficulties, which would be almost insurmountable, in so long a journey, by men, women, and children, without friends and without money."

The commissioners appointed to make this renewed attempt in 1823, stated, in writing, to the council of the Cherokee nation, that they were happy in being afforded "an opportunity of becoming partially acquainted with several members of the council." For the whole body, say they, "we entertain a high respect, and we trust that with some of you we have contracted individual friendships. In saying this, we do no violence to our own feelings, neither do we lower the elevated character of the United States. People, who have never seen you, know but little of your progress in the arts of civilized life, and of the regular and becoming manner in which your affairs are conducted."

The same commissioners, (Duncan G. Campbell and James Meriwether,) after exhibiting to the Cherokees the compact with Georgia of 1802, proceed to say—"By these articles you discover the rights of Georgia, and the obligations of the United States. That these rights may be fulfilled, and these obligations discharged, is the important object of the present mission. The sovereignty of the country you occupy is in the United States alone; no State or foreign power can enter into a treaty with you. These privileges have passed away, and your intercourse is restricted exclusively to the United States. In matters of cession or territory you are recognised as a contracting party."

The Cherokees having refused to cede their lands and emigrate, for the reasons, in part, already given, drawn from the suffering condition of their brethren in Arkansas, despatched a delegation to Washington, in 1824, to make

known their determination to the Government to cede no more land. This purpose they communicated to the President and Secretary of War. They also addressed a memorial to the House of Representatives. In this paper they say, "the Cherokees are informed of the situation of the country west of the Mississippi river. And there is not a spot out of the limits of any of the States, that they would ever consent to inhabit, because they have unequivocally determined never again to pursue the chase as heretofore, or to engage in wars, unless by the special call of the Government to defend the common rights of the United States. As a removal to the barren waste bordering on the Rocky Mountains, where water and timber are scarcely to be seen, could be for no other object or inducement than to pursue the buffalo, and to wage war with the uncultivated Indians in that hemisphere, imposing facts speak from the experience which has been so repeatedly realized, that such a state of things would be the result were they to emigrate. But such an event will never take place. The Cherokees have turned their attention to the pursuits of the civilized man. Agriculture, manufactures, the mechanic arts, and education are all in successful operation, in the nation, at this time; and whilst the Cherokees are peacefully endeavoring to enjoy the blessings of civilization and christianity, on the soil of their rightful inheritance; and whilst the exertions and labors of various religious societies of these United States are successfully engaged in promulgating to them the word of truth and life, from the sacred volume of holy writ, and under the patronage of the General Government, they are threatened with removal or extinction. This subject is now before your honorable body for a decision. We appeal to the magnanimity of the American Congress for justice, and the protection of the rights, liberties, and lives of the Cherokee people. We claim it from the United States, by the strongest obligations, imposed on them by treaties; and we expect it from them under that memorable declaration that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among them are life, liberty, and the pursuit of happiness."

After this positive and solemn refusal, no further direct attempt was made to carry into execution upon the Cherokees the policy of removal.

Let us now contemplate for a moment the situation of the Cherokees removed to the Territory of Arkansas. I have already stated, in general terms, that they were immediately involved in wars with the neighboring tribes; and the statement above cited as to their unhappy condition, when made, in 1823, by the Cherokees east of the Mississippi, as a reason for refusing to emigrate, was not controverted by the commissioners of the United States. But the active benevolence of the friends of humanity, and the bounty of the Government, had followed them to their new abode. The missionary establishments and schools were flourishing; and though the object for which they emigrated, that of resuming the hunter's life, seemed to be abandoned, the better object of advancing in civilization was in a course of fulfilment. Meantime, however, the population of Arkansas began to press upon them, and at length it was thought necessary that they should again remove. In a letter of the reverend Mr. Washburn, from Dwight, a missionary station in Arkansas, it is stated as follows: "From the facts above detailed, it will appear that the efforts which have been made for the improvement of this portion of the American aborigines, have not been without important results; and that among these results, it is not the least important, that the natives are led to place a high value upon education, to desire its general diffusion among them, and to exert themselves for the maintenance of schools. These results, connected with the belief that this part of the Cherokees were settled where the cupidity of our own people would not be likely

* Senate documents for the first session of the 18th Congress: Vol. 3, No. 63.

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to disturb them, presented to our minds the cheering prospect that they would soon exhibit to the view of the philanthropist a most interesting spectacle—that of a people reclaimed from ignorance, barbarity, and vice, and elevated to intelligence, refinement, and virtue, and surrounded with the comforts and elegancies of the useful and liberal arts. We expected soon to see their country, which was lately a wilderness, covered with fruitful fields, surrounding comfortable and convenient habitations and storehouses, and here and there decorated with edifices for literary and scientific improvement, and temples for the worship of the great and beneficent Father of all the kindred of the earth. Such, sir, were our expectations, when we received intelligence, that, by a new convention entered into by a delegation of the chiefs and the late Secretary of War, these poor people must again relinquish their homes, their improvements, and, for a time, their privileges, and seek a new residence in the wilderness."

It is true the author of this letter expresses the opinion that this second removal will be ultimately beneficial to the Cherokees of Arkansas. He rests this opinion on the supposed security of their last retreat from further invasion, on the liberal indemnity given for their property, and on the advantageous character of the new country. But the former circumstance, as I have already stated, will infallibly lead to further encroachments. To suppose that they will be permitted long to remain unmolested, is the merest dream of fancy.

Such has been the result of the experiment of finding a "permanent home" for the Cherokees, west of the Mississippi. The next experiment on the southern Indians was made upon the Choctaws. Here, too, it was necessary to begin by clearing the way.

As there was no territory suitable for the purpose, to which the title had been extinguished, west of the Mississippi, it was deemed to be expedient to remove the Quapaws, a tribe occupying the southern part of Arkansas. This tribe, otherwise known as the Arkansas, or Osarks, had been distinguished, in the annals of the natives of America, for their fine physical qualities, and mild but warlike temper. They were kindred with the Osages, and, like them, hereditary foes of their neighbors east of the Mississippi. At the period when the policy of the United States was brought to bear upon them, they had sunk into weakness, and found in us a protector who pressed that weakness to the dust. In the general statement of the Indian tribes of the United States, which was made by Governors Cass and Clark, they are called an "unfortunate" people; and with good reason. In 1818, a treaty was concluded at St. Louis, by which the Quapaws ceded a very large tract of country occupied by them, south of the Arkansas river, with some considerable reservations. For this they were paid about four thousand dollars, and the amount ceded was over twenty-nine millions of acres. They reserved about one million five hundred thousand acres to themselves. By the fourth article, they were to be protected from all intrusion. That article provided that "no citizen of the United States, or any other person, shall be permitted to settle on any of the lands hereby allotted to and reserved for the said Quapaw tribe or nation to live and hunt on." A stipulation, of which we shall presently see the value.

Having thus prepared a country to which they could be removed, in 1820, the treaty of Doak's stand was negotiated between the whole Choctaw nation and General Jackson and General Hinds, by which that tribe ceded a large tract of land in the interior of the State of Mississippi, and received in exchange an extensive and valuable tract south of the Arkansas. The motive of the cession was, in the preamble to the treaty, expressed in the following terms: "Whereas it is an important object with the President of the United States to promote the civilization of the Choctaw Indians, by the establishment of schools

among them, and to perpetuate them as a nation, by exchanging, for a small part of their land here, a country beyond the Mississippi river, where all who live by hunting, and will not work, may be collected and settled together," &c.

The seventh article provided for the sale of fifty-four sections of land, one mile square, out of the land ceded, to be applied for the support of Choctaw schools, on either side of the Mississippi; and the fourth article expressly stipulated that "the boundaries hereby established between the Choctaw Indians and the United States, on this side of the Mississippi river, shall remain, without alteration, until the period at which said nation shall become so civilized and enlightened as to be made citizens of the United States, and Congress shall lay off a limited parcel of land for the benefit of each family or individual in the nation."

Very few Choctaws have crossed the Mississippi, in consequence of this treaty, and those mostly fugitives. The regular support of an agency in the new country, is the most tangible result of the arrangement. The Choctaws were in a state of hereditary hostility with the Osages, whose hunting range extended to the tract ceded to them; and this circumstance may have prevented their going over the river.

I have already stated that a cession of territory was obtained from the Quapaws, to be given to the Choctaws in exchange for a portion of their lands east of the Mississippi, and that, at the same time, a considerable reservation was made for the Quapaws. It was expressly stipulated that this reservation should not be intruded on. In 1824, however, this reserved tract was taken from them, in consideration of a certain sum of money to the chiefs, and an increase of the annuity to the nation; and it was provided, in the fourth article of the treaty, that "the Quapaw tribe of Indians will hereafter be concentrated and confined to the district of country inhabited by the Caddo Indians, and form a part of said tribe."

This junction of the Quapaws with the Caddos was made without the previous consent of the latter. It became necessary, to "disencumber the Caddo lands of squatters," to receive the new comers. The Indian tribes, thus thrown together, speak languages totally different. The Quapaws would not leave their reservation, till told that they could be allowed to stay no longer; and arrived, in a starving condition, at their new home, although removed and supported by the United States. On their arrival, the agent writes to the Secretary of War, that he was "fearful the Quapaws will be very troublesome to the white settlements this summer, owing to their being destitute of provisions, and, of course, must be in a starving condition shortly; and being in a strange country, where game is very scarce. Corn is now selling on Red river at one dollar and twenty-five cents per bushel, and scarce." The accounts of the next year represent them as being in a better condition; but, at a still later date, they are said to have wandered back, in part, to their former seats. They are an unhappy remnant, likely soon to be wholly consumed, by these capricious changes.

Fortunately for the Choctaws, they were in no haste to remove to their new permanent home in Arkansas. In 1825, it was found that the convenience of the settlements in Arkansas required the retrocession to the United States of a portion of the land ceded to the Choctaws at Doak's stand. This retrocession was accordingly made, a new boundary on the west was established for the Territory of Arkansas, and the white settlers found beyond it were removed by force. Precisely such a series of removals on removals, from one permanent home to another permanent home, has taken place with the tribes of northwestern Indians; but I forbear to go into the detail. I have said enough to show the vanity of the lure of permanence, which has been, and is held out to tempt the Indians to the western desert.

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The Cherokee treaties of 1817 and 1819, and the Choctaw treaty of Doak's stand, appear to be all that was effectually done towards the voluntary removal of the southern tribes. An abortive attempt, to which I have alluded, was made on the Cherokees in 1823, and another upon the Creeks in 1824. In the winter of 1825, and in the last year of his administration, Mr. Monroe, in a message to Congress, proposed a general plan for the removal and embodying, beyond the Mississippi, of all the tribes of Indians fixed within the States. Nothing was further from the contemplation of Mr. Monroe, than the attainment of this measure by the compulsory action of State laws. In pursuance of the policy recommended by him, a bill was passed in the Senate, of which the substantial features have been already referred to.

Simultaneously with these movements at Washington, the treaty of the Indian Springs was negotiated, in Georgia, with a small party of the Creek nation, assuming to act for the tribe. By this treaty it was stipulated, that, for their lands ceded, the Creeks should receive acre for acre of land between the Arkansas and Canadian fork. It is unnecessary to repeat the painful history of this treaty. It was superseded by that of Washington, of the following year, in which a similar provision was contained for the removal of those desirous of going. Parties went forward to explore the country; and two bands of emigrants, one of twelve hundred, and the other of thirteen hundred, have crossed the Mississippi.

In the year 1826 a vigorous effort was made to negotiate a treaty of cession with the Choctaws and Chickasaws. Generals Clark, Hinds, and Coffee were the commissioners on the part of the United States. To their urgent representation of the expediency of the removal, and of the strong desire which the United States felt that the Choctaws would consent to go, the following objections were stated by the Choctaw chiefs:

"It would be needless to enter into the various reasons which have determined us to decline the acceptance of your proposal.

"It is sufficient that this is the land of our birth, and that, when once sold, it could not be recovered. It is a sure asylum for our infirm and aged countrymen, where, surrounded by their offspring, and among the plains, and the hills, and the streams of their youth, they might pass the remnant of their days in peace; and where, if undisturbed, we may all remain as prosperous and happy as in any other country. Here our forefathers have lived; here we wish to live; and, when we die, let our bones be laid by the side of those of our kindred. Why should we sell? Why seek new homes, when we are living here in peace, and, to such as are reasonably industrious, in plenty? But it is urged that the game is gone, and that those who live by hunting alone are suffering. For all such, a country is provided. Six years ago we sold a large scope of our country here, for lands west of the Mississippi. Let those who wish to live by hunting go there. Ample provision is made for all such, by the treaty of Doak's stand, and all are free to go who wish it. But those of us who cultivate the earth, will remain here." Alluding, in another letter, to the repeated cessions demanded of them, the chiefs say: "By the treaty of Doak's stand, lands were given us west of the Mississippi; and here again we were assailed by propositions to purchase back a portion of the country just ceded to us. We listened to our father the President. We sent a deputation of head men to the city of Washington, who ceded back several millions of acres, for the benefit of Arkansas. Again, last winter, another proposition was sent to the nation, requesting that we should cede back a further portion of our lands west of the Mississippi; and, finally, we are now urged to sell all, or a portion of our country here. Where shall we stop? Where shall we find a resting place? We ought to be permitted at least to breathe awhile and look around us."

Failing in their attempts with the Choctaws, the same commissioners entered into treaty with the Chickasaws, but with like want of success. Among other objections urged by the Chickasaw chiefs, the following is founded in reason and truth:

"Friends and brothers: We know that our white brothers are crowding on us daily, which we know is not just. We further consider that there is a number of nations west of the Mississippi, that have been enemies to us as well as to our white brothers. It would be as much impossible to unite us with them, as it would be to unite oil and water; and we have every reason to believe that those tribes that have left their country are not well satisfied; and, if that should be the case, we are fearful that those tribes will take satisfaction of us, for injuries done by us, as well as our white brothers. We are a small tribe, and unable to defend our rights in any country."

The following year a tour was made to the southern tribes by the officer at the head of the bureau of Indian Affairs, under the direction of the Secretary of War, and further attempts made by him to induce the Choctaws and Chickasaws to consent to remove. His efforts were limited to persuading them to send a party to visit the country west of Arkansas; and a provisional consent was obtained of the Chickasaws, that, if the country pleased them, and could be delivered to them unincumbered by any population, and guaranteed to them forever, they would remove to it. Other conditions also were attached to this provisional consent, such as that all their houses, mills, fences, workshops, and orchards should be replaced by others as good, in the new country.

Of the sort of argument by which their slow consent to these terms was obtained, the following specimen will enable the House to form an opinion:

"Brothers: It is said, since you did not agree to the proposals of the commissioners, that you are a self-willed and obstinate people. I do not believe it; but many people who do not know you as well as I do, may incline to think this is true. This, as far as it may be believed, will lessen the number of your friends, and these are few—you have none to spare!"

After repeating, in the most urgent terms, the request that they would agree to send a party of exploration, this officer adds: "If you do not, I shall still fear; for the storm about Indian lands is terrible indeed! I wish to screen you from it."

In pursuance of the arrangements made by Colonel McKenney, a party of Chickasaws and Choctaws visited the country west of the Arkansas, in company with Mr. McCoy. Of the result of this visit, I shall ask permission, before I sit down, to say a few words.

Such, sir, are a few of the facts relative to this policy of removal applied to the southern Indians. It has proved utterly abortive, so long as it was conducted on the only rightful and equitable principle, that of the free consent of the Indians. It is because their free consent could not be obtained; it is because it is well known that voluntarily they would never go, that the States have extended over them a coercive legislation, under which it is avowed that they cannot and will not live; and now we are asked to furnish the means to effect their voluntary removal.

As for the idea that this retreat west of the Mississippi is to be a safe and undisturbed abode, the facts to which I have alluded show that it is a mere mockery. We see one unfortunate remnant driven from a reservation which six years before had been spared to them out of the cession of a vast territory, and on the condition that their reservation should not be intruded on. We see the Choctaws assailed by a demand for more lands at the same time on both sides of the river. They are to give up on the east side, and give back on the west side, after both sides had been guaranteed to them by all the sanctions of the Government. The Cherokees are enticed into Arkansas,

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with the assurance that the protection of the United States should follow them there. Here they are to have a permanent home. Here the arm of the white man shall not be long enough to reach them. In a few years the advanced guard of your population is upon them; their flank is turned, their rear is cut off. The Territory of Arkansas, in which there is an estimated population of one to the square mile, is sadly crowded; there is no room for the Indians; they must leave their settlements, just beginning to thrive, their houses, their farms, their schools and churches, and remove beyond the frontier, to a new permanent home. Two parties of Creeks have followed the example, and gone to their permanent home on lands just allotted to the Choctaws and Cherokees. It will probably be among their first occupations to fight for their title to this land of refuge; particularly when seventy-five thousand recruits come pouring in, (driven forward by "a few troops," who, we are told, will be needed to aid in this voluntary removal,) and who are to find their permanent home in the wilderness already granted away.

Sir, if you really do carry out this policy, its wretched objects will indeed come to a permanent home in its execution, of a nature different from that you profess to contemplate. You will soon drive them up to that bourne from which neither emigrant nor traveller returns.

This is the effect, whatever be the provisions of the bill. But let us contemplate it more closely. What is, in the general, the necessary character of a measure like this—a forced removal of whole tribes of Indians from their native districts to a distant wilderness? I will give it, sir, not in my own language, but in that of the President of the United States at the commencement of the session:

"The condition and ulterior destiny of the Indian tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them farther into the wilderness. By this means, they have not only been kept in a wandering state, but been led to look on us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy; and the Indians, in general, receding farther and farther to the West, have retained their savage habits. A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent Government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection."

Such is the President's view of the effect of removing Indians westward. Those who have been removed, have been kept wandering and savage. Some who have staid, have made great progress in civilization; but having undertaken "the establishment of fixed laws and a permanent Government," agreeably to the provisions of a treaty negotiated with them by the President himself, and approved by the Georgia Senators, that State has extended laws over them which will have the effect of driving them into the wilderness, and against these laws the President cannot protect them! One scarce believes that it is in this way that a project for a general, sweeping removal of all the Indians against their will, to the distant wilderness, is to be introduced to our favorable notice.

Let us view this subject, sir, in a practical light. Let us not talk of it by a name, but consider it as a thing. What sort of a process is it when actually gone through, this re-

moval to the distant wilderness? The people whom we are to remove are Indians, it is true; but let us not be deluded by names. We are legislating on the fate of men dependent on us for their salvation or their ruin. They are Indians, but they are not all savages; they are not any of them savages. They are not wild hunters. They are, at least some of the southern Indians are, a civilized people. They have not, in all their tribes, purged off every relic of barbarism, but they are essentially a civilized people. They are civilized, not in the same degree that we are, but in the same way that we are. I am well informed that there is probably not a single Cherokee family that subsists exclusively in the ancient savage mode. Each family has its little farm, and derives a part at least of its support from agriculture or some other branch of civilized industry. Are such men savages? Are such men proper persons to be driven from home, and sent to hunt buffalo in the distant wilderness? They are planters and farmers, tradespeople and mechanics. They have cornfields and orchards, looms and workshops, schools and churches, and orderly institutions. Sir, the political communities of a large portion of civilized and christian Europe might well be proud to exhibit such a table of statistics as I will read you.

[Here Mr. E. read the following table:]

"A statistical table exhibiting the population of the Cherokee nation, as enumerated in 1824, agreeably to a resolution of the Legislative Council; also, of property, &c. as stated.

Population,	-	-	-	15,560
Male negroes,	-	-	610	1,277
Female negroes,	-	-	667	
Grand total of males and females,	-	-	-	13,783
Total number of females,	-	-	-	6,900
Females over forty years of age,	-	-	-	782
Females from fifteen to forty years,	-	-	-	3,108
Females under fifteen years of age,	-	-	-	3,010
Total number of males,	-	-	-	6,883
Males over fifty-nine years of age,	-	-	-	352
Males from eighteen to fifty-nine years of age,	-	-	-	3,027
Males under eighteen years of age,	-	-	-	3,054
Add for those who have since removed into the nation from North Carolina, who were living in that State on reservations,	-	-	-	500

"Remarks.—There are one hundred and forty-seven white men married to Cherokee women, and sixty-eight Cherokee men married to white women.

"There are eighteen schools in the nation, and three hundred and fourteen scholars of both sexes, thirty-six grist-mills, thirteen saw-mills, seven hundred and sixty-two looms, two thousand four hundred and eighty-six spinning wheels, one hundred and seventy-two wagons, two thousand nine hundred and twenty-three ploughs, seven thousand six hundred and eighty-three horses, twenty-two thousand five hundred and thirty-one black cattle, forty-six thousand seven hundred and thirty-two swine, two thousand five hundred and sixty-six sheep, four hundred and thirty goats, sixty-two blacksmith's shops, nine stores, two tan-yards, and one powder-mill, besides many other items not enumerated; and there are several public roads, and ferries, and turnpikes, in the nation."

These, sir, are your barbarians; these are your savages; these your hunters, whom you are going to expel from their homes, and send out to the pathless prairies of the West, there to pursue the buffalo, as he ranges periodically from south to north, and from north to south; and you will do it for their good!

But I shall be told, perhaps, that the Cherokees are more advanced than their red brethren in civilization. They may be so, but to a less extent I imagine than is generally thought. What is the condition of the Choctaws? I quote a letter from one of the missionaries to that tribe, communicated to the Senate by the Department of War during the present session. After stating that a very

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great and general reformation of the vice of intemperance had, within a few years, taken place, Mr. Kingsbury proceeds:

"The result of a census taken in 1828, in the north-east district, was as follows, viz. population, five thousand six hundred and twenty-seven; neat cattle, eleven thousand six hundred and sixty-one; horses, three thousand nine hundred and seventy-four; oxen, one hundred and twelve; hogs, twenty-two thousand and forty-seven; sheep, one hundred and thirty-six; spinning wheels, five hundred and thirty; looms, one hundred and twenty-four; ploughs, three hundred and sixty; wagons, thirty-two; blacksmith's shops, seven; coopers' shops, two; carpenters' shops, two; white men with Choctaw families, twenty-two; schools, five; scholars in the course of instruction, about one hundred and fifty. In one clan, with a population of three hundred and thirteen, who eight years ago were almost entirely destitute of property, grossly intemperate, and roaming from place to place, there are now one hundred and eighty-eight horses, five hundred and eleven cattle, eight hundred and fifty-three hogs, seven looms, sixty-eight spinning wheels, thirty-five ploughs, six oxen, one school, and twenty or twenty-four scholars.*

"Another evidence of the progress of improvement among the Choctaws, is the organization of a civil Government. In 1826, a general council was convened, at which the constitution was adopted, and legislative powers were delegated to a national committee and council, whose acts, when approved by the chiefs, became the supreme laws of the land. I have now before me a manuscript code, containing twenty-two laws, which have been enacted by the constituted authorities, and, so far as I know, carried into complete execution. Among the subjects embraced by these laws, are theft, murder, infanticide, marriage, polygamy, the making of wills, and settling of estates, trespass, false testimony, what shall be considered lawful enclosures around fields, &c.

"A great desire for the education of their children, furnishes another proof of the advancement of the Choctaws. Petitions are frequently made, requesting the establishment of new schools. Numbers more have applied for admission to the boarding schools than could be received. Nothing is now wanting but suitable persons and adequate means to extend the advantages of education to all parts of the Choctaw nation.

"The preaching of the gospel has, within the two past years, been attended with very happy effects. To its influence must be ascribed much of that impulse which has recently been given to the progress of civilization in the more favored parts of the nation. The light which the gospel has diffused, and the moral principles it has imparted to the adult Choctaws, have laid a foundation for stability and permanency in their improvements. In this district, eighty-two natives, principally heads of families, are members of the church. All these, with one exception, have maintained a consistent christian character, and would do honor to any christian community."

Nor is the condition of the Chickasaws less advanced and improving. From the official return of Colonel McKenney, it appears that their numbers are but about four thousand. They are estimated by him to possess eight hundred houses, of an average value of one hundred and fifty dollars, with some that must have cost one or two thousand. He supposes them to have ten mills, fifty workshops, enclosures of fields to the value of fifty thousand dollars; and an average of stock to each, of two horses, two cows, five hogs, and a dozen of poultry.

I know, sir, that there is in the same document on the civilization of the Indians, communicated to the Senate, (meagre at the best, compared with the ample materials

for such a document, in possession of the department,) a letter, which tells you that the Choctaws, except where the schools are, and where the half breeds live, are, in every sense of the word, genuine Indians. No general improvement in any thing appears to pervade the country. I will rely more on this expression of opinion, when I am better informed of the disinterestedness of its source.

Such are the people we are going to remove from their homes: people, living, as we do, by husbandry, and the mechanic arts, and the industrious trades; and so much the more interesting, as they present the experiment of a people rising from barbarity into civilization. We are going to remove them from these their homes to a distant wilderness. Whoever heard of such a thing before? Whoever read of such a project? Ten or fifteen thousand families, to be rooted up, and carried hundreds, aye, a thousand of miles into the wilderness! There is not such a thing in the annals of mankind. It was the practice—the barbarous and truly savage practice—of the polished nations of antiquity to bring home a part of the population of conquered countries as slaves. It was a cruel exercise of the rights of the conqueror, as then understood, and in turn practised, by all nations. But in time of peace, toward unoffending communities, subject to our sovereignty indeed, but possessing rights guaranteed to them by more than one hundred treaties, to remove them, against their will, by thousands, to a distant and a different country, where they must lead a new life, and form other habits, and encounter the perils and hardships of a wilderness: sir, I never heard of such a thing; it is an experiment on human life and human happiness of perilous novelty. Gentlemen, who favor the project, cannot have viewed it as it is. They think of a march of Indian warriors, penetrating, with their accustomed vigor, the forest or the cane brake—they think of the youthful Indian hunter, going forth exultingly to the chase. Sir, it is no such thing. This is all past; it is a matter of distant tradition, and poetical fancy. They have nothing now left of the Indian, but his social and political inferiority. They are to go in families, the old and the young, wives and children, the feeble, the sick. And how are they to go? Not in luxurious carriages; they are poor. Not in stage coaches; they go to a region where there are none. Not even in wagons, nor on horseback, for they are to go in the least expensive manner possible. They are to go on foot; nay, they are to be driven by contract. The price has been reduced, and is still further to be reduced, and it is to be reduced, by sending them by contract. It is to be screwed down to the least farthing, to eight dollars per head. A community of civilized people, of all ages, sexes, and conditions of bodily health, are to be dragged hundreds of miles, over mountains, rivers, and deserts, where there are no roads, no bridges, no habitations, and this is to be done for eight dollars a head; and done by contract. The question is to be, what is the least for which you will take so many hundred families, averaging so many infirm old men, so many little children, so many lame, feeble, and sick? What will you contract for? The imagination sickens at the thought of what will happen to a company of these emigrants, which may prove less strong, less able to pursue the journey than was anticipated. Will the contractor stop for the old men to rest, for the sick to get well, for the fainting women and children to revive? He will not; he cannot afford to. And this process is to be extended to every family, in a population of seventy-five thousand souls. This is what we call the removal of the Indians!

It is very easy to talk of this subject, reposing on these luxurious chairs, and protected by these massy walls, and this gorgeous canopy, from the power of the elements. Removal is a soft word, and words are delusive. But let gentlemen take the matter home to themselves and their neighbors. There are seventy-five thousand Indians to be removed. This is not much less than the population of

* This is but the return of one district, probably less than a third of the nation.

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two congressional districts. We are going, then, to take a population of Indians, of families, who live as we do in houses, work as we do in the field, or the workshop, at the plough and the loom, who are governed as we are by laws, who send their children to school, and who attend themselves on the ministry of the christian faith, to march them from their homes, and put them down in a remote, unexplored desert. We are going to do it—this Congress is going to do it—this is a bill to do it. Now let any gentleman think how he would stand, were he to go home, and tell his constituents that they were to be removed, whole counties of them—they must fly before the wrath of insupportable laws—they must go to the distant desert, beyond the Arkansas—go for eight dollars a head, by contract*—that this was the policy of the Government—that the bill had passed—the money was voted—you had voted for it—and go they must.

Is the case any the less strong because it applies to these poor, unrepresented tribes, "who have no friends to spare?" If they have rights, are not those rights sacred—as sacred as ours—as sacred as the rights of any congressional district? Are there two kinds of rights, rights of the strong, which you respect because you must; and rights of the weak, on which you trample, because you dare? I ask gentlemen again to think what this measure is, not what it is called. To reflect on the reception it would meet with, if proposed to those who are able to make their wishes respected, and especially if proposed to them for their good. Why, sir, if you were to go to the least favored district in the Union—the poorest soil—the severest climate—the most unhealthy region, and ask them thus to remove, were it but to the next State, they would not listen to you; they would not stir an inch. But to take up hundreds and thousands of families, to carry them off unmeasured distances, and scatter them over a wilderness unknown to civilized man, they would think you insane to name it! What sort of a region these unhappy tribes are to be removed to, I will presently inquire. Let us see what sort of a region they are to leave.

And now, sir, I am going to quote an account, which I candidly admit to be in all likelihood overstated. It proceeds from a patriotic native pen; and who can rest within the limits of exact reality, in describing the merits of a beloved native land? I believe it a little colored, but the elements of truth are there. It is plain, from the circumstance and detail, that it is substantially correct. At any rate, since I have been a member of Congress, it has been twice, and I believe three times communicated from the War Department as official information. It is from a letter written by David Brown, a native Cherokee, of mixed blood, dated Willstown, (Cherokee Nation,) September, 2, 1825.

"The Cherokee nation, you know, is in about thirty-five degrees north latitude; bounded on the north and west by the State of Tennessee, on the south by Alabama, and on the east by Georgia and North Carolina. This country is well watered; abundant springs of pure water are found in every part. A range of majestic and lofty mountains stretch themselves across the nation. The northern part of the nation is hilly and mountainous. In the southern and western parts there are extensive and fertile plains, covered partly with tall trees, through which beautiful streams of water glide. These plains furnish immense pasturage, and numberless herds of cattle are dispersed over them. Horses are plenty, and are used for servile purposes. Numerous flocks of sheep, goats, and swine

cover the valleys and hills. On Tennessee, Ustanala, and Canasagi rivers, Cherokee commerce floats. The climate is delicious and healthy; the winters are mild. The spring clothes the ground with its richest scenery. Cherokee flowers, of exquisite beauty, and variegated hues, meet and fascinate the eye in every direction. In the plains and valleys the soil is generally rich, producing Indian corn, cotton, tobacco, wheat, oats, indigo, sweet and Irish potatoes. The natives carry on considerable trade with the adjoining States, and some of them export cotton, in boats, down the Tennessee to the Mississippi, and down that river to New Orleans. Apple and peach orchards are quite common; and gardens are cultivated, and much attention paid to them. Butter and cheese are seen on Cherokee tables. There are many public roads in the nation, and houses of entertainment kept by natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woollen cloths are manufactured here. Blankets, of various dimensions, manufactured by Cherokee hands, are very common. Almost every family in the nation grows cotton for its own consumption. Industry and commercial enterprise are extending themselves in every part. Nearly all the merchants in the nation are native Cherokees. Agricultural pursuits (the most solid foundation of our national prosperity) engage the chief attention of the people. Different branches in mechanics are pursued. The population is rapidly increasing."

Such is the land which at least one large community of these Indians are to leave. Is it not too much for human nature to bear, that unoffending tribes, for no alleged crime, in profound peace, should be rooted up from their hereditary settlement, in such a land, and hurried off to such a one as I shall presently show to the House?

Sir, they are attached to it; it is their own; and though, by our subtleties of State logic, you make it out that it is not their own, they think it is, they love it as their own. It is the scat of their council fires—not always illegal, as your State laws now call them. The time has been, and that not very distant, when, had the King of France, or of Spain, or of England, talked of its being illegal for the Choctaws or the Cherokees to meet at their council fire, they would have answered, "come, and prevent us." It is the soil in which are gathered the bones of their fathers. This idea, and the importance attached to it by the Indians, has been held up to derision by one of the officers of the Government. He has told the Indians that "the bones of their fathers cannot benefit them, stay where they are as long as they may." I touch with regret on that upon which the gentleman from New York has laid his heavy hand. I have no unkind feeling towards the individual who has unadvisedly made this suggestion. But the truth is, this is the very point on which the Indian race, sensitive on all points, is most peculiarly alive. It is proverbial. Governors Cass and Clark, in their official report, the last winter, tell you that "we will not sell the spot which contains the bones of our fathers," is almost always the first answer to a proposition for a sale. The mysterious mounds which are seen in different parts of the country, the places of sepulture for tribes that have disappeared, are objects of reverence to the remnants of such tribes, as long as any such remain. Mr. Jefferson, in his Notes on Virginia, tells you of such a case. Unknown Indians came through the country, by a path known to themselves, through the woods, to visit a mound in his neighborhood. Who they were, no one knew, or whence they came, nor what was the tribe to whose ashes they had made their pilgrimage. It is well known that there are tribes who celebrate the great feast of the dead; an awful but affecting commemoration. They gather up the bones of all who have died since the last return of the festival, cleanse them

* "Having bestowed some reflection upon the subject, in conclusion, I would suggest for your consideration, whether the best and cheapest mode of removing the Indians, should they consent to go, would not be by contract, at so much per head. I feel perfectly safe in hazarding the opinion that it will not cost on an average more than eight dollars per head, to remove every Indian east of the Mississippi to the country which has been selected for them west of it." Letter of the Second Auditor to the Secretary of War, 12th April, 1830.

* Proceedings of the Indian Board, in the city of New York, with Col. McKenney's Address, page 42.

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from their impurities, collect them in a new deposit, and cover them again with the sod. Shall we, in the complacency of our superior light, look without indulgence on the pious weakness of these children of nature? Shall we tell them that the bones of their fathers, which they visit after the lapse of ages, which they cherish, though clothed in corruption, can do them no good? It is as false in philosophy as in taste. The man who reverences the ashes of his fathers, who hopes that posterity will reverence his, is bound by one more tie to the discharge of social duty.

Now, sir, whither are these Indians, when they are removed, to go? I confess I am less informed than I could wish. I thank the gentleman from Pennsylvania [Mr. HEMPHILL] for his amendment. It does credit to his sagacity. It is just what is wanted. I say we all want information. We are going, in a very high-handed way, to throw these Indians into the western wilderness. I call upon every gentleman who intends to vote for the bill, to ask himself if he has any satisfactory information as to the character of that region. I say it is a *terra incognita*. It has been crossed, but not explored. No one knows its recesses but the wild Indians who hunt over it. I have made some notes of this country, however, with which I will trouble the House:

"In regard to this extensive section of country, (between the meridian of the Council Bluffs and the Rocky Mountains,) we do not hesitate in giving the opinion that it is almost wholly unfit for cultivation, and, of course, uninhabitable by a people depending upon agriculture for their subsistence. Although tracts of fertile land, considerably extensive, are occasionally to be met with, yet the scarcity of wood and water, almost uniformly prevalent, will form an insuperable obstacle in the way of settling the country. This objection rests not only on the immediate section under consideration, but applies, with equal propriety, to a much larger portion of the country—[north and south.] The whole of this region seems peculiarly adapted as a range for buffaloes, wild goats, and other wild game, incalculable multitudes of which find ample pasturage and subsistence upon it."—*Ilong, vol. II, page 361.* And shall we send men who have been brought up in the cornfield, the workshop, and at the loom, to hunt buffalo and wild goats in this uninhabitable desert?

Mr. Nuttall, an exceedingly intelligent and scientific traveller, who visited this country in 1819, thus speaks of a portion of it:

"To give my reader some idea of the laborious exertions which these people make to obtain a livelihood, I need only relate that the Osages had now returned to their village, from a tallow hunt, in which they had travelled not less than three hundred miles up the Arkansas, and had crossed the saline plains situated between that river and the Canadian. In this hunt, they say that ten villages of themselves and friends (as the Kansas, who speak nearly the same language, are called) joined for common safety. They were, however, attacked by a small scout of the Pawnees, and lost one of their young men, who was much esteemed, and, as I myself witnessed, distressingly lamented by the father, of whom he was the only son. They say the country through which they passed is so destitute of timber that they had to carry along their tent poles, and to make fire of the bison ordure."—*Page 182.*

Sir, the gentleman from Ohio, the other day, moved a resolution asking for information on this subject. The House felt that it wanted the information; his resolution was adopted. And what did we get in reply? Twenty-two lines from a letter written by Governor Clark, five years ago, and he had never seen the country to which the title of the Osages and Kansas had, when he wrote the letter, just been extinguished! This is the official information which is to guide us in deciding the fate of thousands and tens of thousands of fellow-beings! Then we have the testimony of Mr. McCoy. He saw the country. But how

much did he see of it?—how far did he go westward? Forty-eight miles only. He admits that the land is good only for two hundred miles west from Arkansas; and three-quarters of this he took on trust, for he went only forty-eight miles into it, in a westerly direction. Is this an exploration on which we can depend—a hasty excursion, for a few miles, into the district to which we are to transplant the Indians? Sir, it would do to write a paragraph upon in a newspaper; it would serve as a voucher for an article in a gazetteer. But, good heavens! will this warrant us in taking up dependent tribes of fellow-beings from their homes, and marching them, at a venture, into this remote desert, upon the borders of which an agent has just set his foot? From the time that Mr. McCoy left St. Louis till he got back there, was just sixty-two days. His description is as follows; and I quote the passage, because it contains the strength of his recommendation:

"I may not be so fortunate as to meet with many who concur with me in opinion relative to the country under consideration, (I mean the whole described in our remarks,) yet I hesitate not to pronounce it, in my estimation, very good, and well adapted to the purposes of Indian settlement. I think I risk nothing in supposing that no State or Territory in the Union embraces a tract of equal extent and fertility, so little broken by lands not tillable, to that lying south of Kansas and on the upper branches of Osage and Neosho, the extent of which I have not been able to ascertain. This country, also, has its defects, the greatest of which is the scarcity of timber; but, by a judicious division among the inhabitants, of woodland and prairie, there will be found a sufficiency of the former, in connexion with coal, to answer the purpose in question, with tolerable convenience."

Again: "The greatest defect in this country, (and I am sorry it is of so serious a character,) is the scarcity of timber. If fields be made in the timbered land, which most persons who have been accustomed to timbered countries are inclined to do, the Indians more especially, because often unprepared with teams for breaking prairie, timber will soon become too scarce to sustain the population, which the plan under consideration contemplates. I trust that I need offer no apology for supposing that measures ought to be adopted immediately for marking off to each settler, or class of settlers, the amount of timbered land really necessary for their use, severally, and no more. The timber, generally, is so happily distributed, in streaks and groves, that each farm may be allowed the amount of timber requisite, and then extend back into the prairie lands for quantity. The prairies, being almost universally rich, and well situated for cultivation, afford uncommon facilities for the operation of such a method. By pursuing this plan, wood, after a few years, will increase in quantity annually, in proportion as the grazing of stock, and the interests of the inhabitants, shall check the annual burnings of those prairies. These regulations, essential to the future prosperity of the territory, cannot be made without the existence of the superintendency of which I speak. Let it be said that the country within such and such boundaries shall be given to the Indians, for the purposes under consideration. Next establish such a course of things as will render it possible to make a fair distribution of it among its inhabitants, in view of their numbers and circumstances, and which will secure to them the possibility of future prosperity."

I believe, sir, that Mr. McCoy is a very worthy and benevolent person. Having been connected with a mission to some northwestern band of Indians, which has been nearly or quite broken up by the encroachments of whites, he appears to have considered removal as the greatest good for all Indians, under all circumstances. While the Indians, whom he conducted, were evidently dissatisfied with the country, he makes the best of it. He was there a very short time, and penetrated a short distance, but tells

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us "the prairies are almost universally rich," and that even the single farms can be laid off with a patch of woodland. He could not possibly know this to be true. He saw as much of this country as a traveller would see of Pennsylvania, Maryland, and Virginia, who should go by the straightest road from Philadelphia to Harper's ferry, and thence back to Washington. This region is said to be six hundred miles long and two hundred and fifty broad. Mr. McCoy's whole line of march within it, going and returning, was about four hundred miles.

As for the project of settling each Indian family by a Government superintendency; persuading them to spare the wood; counting out such a number of trees as is absolutely necessary; and thus making provision "for the possibility of future prosperity," and for "tolerable convenience," in respect to fuel, it defies gravity. The wildest delusions, by which waste lands in distant countries are puffed off by jobbers, do not go beyond this. One coarse fact, like that which I have already cited from Mr. Nuttall, showing the wretched shifts to which the Osages were put for fuel, is worth a volume of those well meaning speculations on the providence, thrift, and foresight of the Indians, in husbanding their timber. This incontestable want of timber in the region in question, would make it uninhabitable to the thriftiest people on earth. Sir, mere benevolence, piety, and zeal do not qualify a person to promulgate opinions which are to affect the well-being and lives of thousands of fellow-men. You tell an Indian, shivering in the winter over the wretched substitute for fuel, which Mr. Nuttall describes, that there is a "possibility," some years hence, of his having wood enough to enable him to get along with "tolerable convenience," if he is very provident in the meantime!

What are the Indians to do after they get here? The original plan of going over the Mississippi was to find ample range for the chase. That object was sanctioned by Mr. Jefferson, in 1808, when proposed by the emigrating portion of the Cherokees. It now seems abandoned; and we are told of raising their character, of putting them on an equality with ourselves, and fixing them on snug farms of so much woodland and so much prairie. Can they pursue their accustomed occupations in this new region? Can any man, on his responsibility, say, they will find wood and water, and soil, and access to market, and convenience of navigation, like what they have left? No man can say it. What does experience teach? The Cherokees in Arkansas, after encountering great hardships, were doing well, and, after ten years' residence, have been pushed farther westward. A lavish expenditure by the Government, and the untiring benevolence of the pious and liberal, have re-established them in seeming comfort; but the result is yet to be seen. We are already threatened with a general Indian war on the frontier. But the case of the Cherokees of Arkansas is the only one which is not a deplorable failure. What says General Clark, writing to the department, 10th December, 1827? "I must request you to draw the attention of the Secretary of War to the moving or emigrating Indians, who are continually coming on to this side of the Mississippi. Those that have come on, and not permanently settled, (many of them,) are scattered for the purpose of procuring subsistence; and frequent complaints are made against them by the white people, and considerable expense incurred in reconciling the difficulties."

This "scattering to procure subsistence," (leading to complaints by the whites, and expense in reconciling difficulties,) I take to be a periphrasis for roving about, begging and stealing. Again: "The tribes on this side of the Mississippi are wretched, and moving from place to place. I have just heard that the several scattering bands, who resided near Fort Towson, have moved near Alexandria, on the Red river."

"It will be necessary that authority be given, as soon as possible, to exchange lands with the Delawares, Kickapoos,

Shawnees, Piankeshaws, &c. and settle them on the Kansas river. And it is also necessary that some assistance should be given to remove them there, and, when there, to assist them in preparing the earth for cultivation and provisions, till they can raise a support. Without this aid, the Indians will be more wretched than they were before they moved.

"The Shawnees and Delawares of Cape Girardeau, who were, twenty years ago, doing well, with good houses, little farms, with stock in abundance, are now in distress, roving in small parties in every part of the country, in pursuit of subsistence. Those who have come from Ohio, will, if not supported, in a short time, be in the same situation."

"The distresses of the Indians of this superintendency are so great and extensive, and complaints so frequent, that it is and has been impossible for me to report them. I therefore have taken on myself a great deal, in acting as I thought best; I have not troubled the Government with numerous occurrences, which they could not remedy."

Sir, General Clark is your most experienced superintendent of Indian affairs; and his superintendency lies in this vaunted Indian Canaan, beyond the Mississippi. Let us learn wisdom from the fate of the Shawnees and Delawares, who, in twenty years, have sunk from the possession of comfortable farms and competence, to abject, roving poverty. One statement more, from an official letter of General Clark, of March 1, 1826, and I leave this topic.

"The condition of many tribes west of the Mississippi, is the most pitiable that can be imagined. During several seasons in every year, they are distressed by famine, in which many die for the want of food, and during which the living child is often buried with the dead mother; because no one can spare it as much food as would sustain it through its helpless infancy. This description applies to the Sioux and Osages, and many others; but I mention those because they are powerful tribes, and live near our borders, and my official station enables me to know the exact truth. It is vain to talk to people in this condition about learning and religion."

This is the country to which the Indians are to be moved. This is the fertile region in which they are to be placed. Their prospect of improvement.

The worthy chairman of the committee told us of the causes of their degeneracy, seated in the nature or in the habit, the second nature, of the Indians. I admit the truth of the representation; I am sorry there is so much foundation for it. My hopes have never been over-sanguine of elevating the race to a high degree of civilization; although within a few years better hopes have been authorized, than ever before. But these causes of degeneracy exist. The Indians, it is said, suffer from the proximity of the whites, and the jealousy and hostility between them, and the conscious inferiority of the Indian. But this is not remedied west of Arkansas; they will have a white population crowding on them there. There is one already. We are told they are improvident. Be it so; will they not be improvident there? Mr. McCoy tells us, this happy land has but little timber, and yet thinks that, if left to themselves, they would go in and cut it down; and that there must be a sort of Government forester, to parcel it out for them, and keep them from wasting it. We are told they have an innate propensity to intemperance. Will they cease to have it in the wilds of Arkansas? If they thirsted for spirits by the pleasant banks of the Ustanala and Coosawattee, will they abstain in the salt prairies and parched deserts of the West? What safeguard will they have there, which they have not here? Surely, sir, as they are removed from a surrounding civilization, as they cease to breathe the very temperate atmosphere of the Atlantic States, there is reason to fear that the causes of degeneracy will remain in all their intensity, while the checks will be fewer, and the remedies weaker.

I have already hinted that this great project fails in the

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point put forward as its recommendation, the permanency of the new abode. There is no well grounded hope of permanency in it, and our experience shows it is delusive. The Cherokees of Arkansas remained unmolested ten years. If the lands to which you remove them are what you describe them to be, you may as well push back the tide in the Bay of Fundy, as keep out the white population. Its progress onward is sure, and as surely will it push the Indians before it. This new wilderness which you parcel out to them, is not a permanent home. It is a mere halting place—a half-way house on the road to the desert.

We talk of pledges, guaranties, and patents. Now, sir, I have not the least doubt of the good faith of the President, of his cabinet, of every gentleman in this House friendly to the bill, and of every honest man in the community who supports it. They all honestly mean that the Indians should be safe in their new residence; and if they are not safe, it will not be the fault of the friends of the bill. Having said this, I must be permitted to add, that I would not give one farthing for the best patent that could be issued to this new country, with the seal of every member of the Government. I would not pick up the unmeaning scrawl from the earth. What, take a patent to secure my title west of the Mississippi, when fifty treaties on the east side, signed by all your Presidents, sanctioned by all your Congresses, have proved themselves not worth what it cost to engross them! I would regard the offer of it as an insult. Treaty and patent; what is the difference, save that the former is the more solemn and authentic pledge of the public faith? Are they not both of the like parchment, signed and sealed? What is there in a patent to give it a binding power? Is there any principle of obligation in it; any life or voice to upbraid its violators? There is nothing in it. It is a word, a name. It signifies nothing—it can do nothing. It is meant well—and that is well—and that is all.

But, sir, these Indians could not live in this country, not even if your advancing population would let them alone, and the country itself were a pretty good one. It requires some of the highest qualities of civilized man to emigrate to advantage. I do not speak of great intellectual elevation; not of book learning, nor moral excellence; though this last is of great importance in determining the prosperity of a new settlement. But it is only the chosen portion of a community, its *élite*, that can perform this great work of building up a new country. The nervous, ardent young man, in the bloom of opening life, and the pride of health, can do it. It is this part of the population that has done it. This is the great drain of New England and the other Atlantic States. But take up a whole population; the old, the feeble, the infant, the inefficient, and helpless, that can hardly get through life anywhere, to take them up by a sweeping operation, and scatter them over an unprepared wilderness, is madness. It is utterly impossible for them—I do not say to prosper—but even to subsist. Such a thing was never heard of. How narrowly did the pilgrims of New England escape destruction, although their ranks were made up of men of the sternest moral qualities, well provided with pecuniary resources, and recruited for several years by new adventurers! The Indians are to be fed a year at our expense. So far is well, because they will not starve that year. But are the prairies to be broken up, houses built, crops raised, and the timber brought forward, in one year? Sir, if a vigorous young man, going into the prairie, and commencing a settlement, can raise a crop to support himself the second year, I take it he does well. To expect a community of Indian families to do it, is beyond all reason. The chairman of the committee tells us it would be cruel to cast them off at the end of one year; they must be helped along. Doubtless they must. And, in the progress of this way of living, partly by the chase, partly by husbandry, and partly by alms, if a people naturally improvident do not speedily

become degenerate and wretched, they will form an exception, not merely to all their brethren, with a single exception, who have preceded them in this course, but to the laws of nature. The earnest volition to go, is the great spring of the emigrant's success. He summons up his soul, and strains his nerves, to execute his own purpose; but drive a heart-sick family, against their will, from their native land, put them down in a distant wilderness, and bid them get their living, and there is not one chance in fifty that they would live two years. While you feed them they will subsist, and no longer. General Clark tells you that those who were in comfort twenty years ago, must now be fed. Sir, they cannot live in these dismal steppes. They must starve; we know they must. General Clark tells us they do starve; and when the mother starves to death, they put the living child into the grave with her. To palliate this terrific occurrence, we are told it is common, it is incident to Indian life. But not surely among the southern Indians. And if it is meant only that it is common beyond the Mississippi, then what an image does it not give us of the country into which we are driving these victims! If it were not as sterile as the desert of Arabia, it would yield enough to prevent the recurrence of such horrors.

View the subject in another light. What is to keep these Indians, after their removal, from making war on each other? This danger was instantly perceived by the intelligent traveller whom I have already cited.* “Since this period,” says he, “hostilities, as might have been expected, have again commenced between these restless and warlike tribes, (the Cherokees and Osages,) who can perhaps never be prevailed upon to live in friendship, as they will be perpetually transgressing each other's hunting grounds. At a very recent date, (1821,) four hundred Osage warriors appeared before the garrison at Belle Point, on their way against the Cherokees, accompanied by a party of the Sac and Fox Indians, and killed four Quapaws hunting in the neighborhood. Such is the effect of the imprudent and visionary policy of crowding the natives together, in the hopes of keeping them at peace.”

These seventy-five thousand Indians whom you propose to collect in this region, are not one tribe; they are not cognate tribes. We are told in some of the papers which have been laid on our tables, that the four southern tribes speak the same language. It is not so. The Choctaws and Chickasaws speak substantially the same; the Creeks speak a different language; and the Cherokees still another. With these southern tribes and the northwestern, there is no affinity. There are between various tribes of Indians hereditary feuds. Mr. McCoy's Indians were at war with the Osages, and had been for years. You put them down side by side. You bid them hunt in the same waste. You grant the same land two or three times over to different tribes. The lands granted to the Cherokees of Arkansas, had been in part given, the year before, to the Creeks. The Chickasaws are to be put down on the Choctaw lands. The new Cherokee territory runs over the reservation of the Kansas and Osages; and into this territory, thus pre-occupied, you are going to pour down from fifty to seventy-five thousand more. I will cite, on this subject, a paragraph from an Arkansas paper. I pretend not to claim for it any other weight than what it derives from the manifest reasonableness of its purport.

“*Proposed residence of the Indians.*—The whole country west of Missouri and Arkansas, (including the forty miles severed from the latter,) is already parcelled out to the different tribes that now occupy it. The Cherokees and Creeks are already murmuring on account of their restricted limits, and complain that the Government has assigned to both the same tract of country. The productions of the habitable parts of the country, under the care-

* Nuttall, p. 212.

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less culture of the Indians, will be found not more than sufficient to supply the wants of the present population. If the proposition respecting the formation of an Indian colony, contained in the report of the Secretary of War, should be adopted by the Government, we will have, according to the Secretary's calculation, seventy-five thousand at one litter, in addition to those already in the country. Will he tell us where he will put them? and how he will support them under existing circumstances? I believe this plan rational and practicable, if the Texas country belonged to the Government; but, otherwise, the restricted limits in which he would have to plant his colony, would render it a perfect Indian slaughter-house."

There is only one way in which we can prevent this mutual havoc, and that is, by the constant presence of a powerful armed force, and on that I shall presently say a word.

But the difficulty does not stop here. There are two boundaries to this new territory. There is Arkansas on one side, a part of our Union, from which, of course, no violence will be perpetrated against the Indians. But, on the other side, they will be open to the desert. Is that desert empty? Is it occupied only by the buffalo? Sir, it is the hunting ground of the Pawnees and Camanches—the fiercest tribes of the continent. These are the masters in civilization, to whom we are going to send our hopeful pupils, to complete their education. Our Indians have made some progress in the arts of life; and now we are going to put them down by the side of these dreadful hordes, who are a terror even to our own armed traders; and still realize that frightful picture of Indian ferocity and power, which fills the early pages of the history of America. What must be the consequence? The answer is short: they will be destroyed. When these wild savages of the desert shall take our civilized red brethren in hand, they will most probably crush them.

This event can only be averted by another. If the Indians whom you congregate in these prairies, can (which I do not believe) ward off starvation; if they take root and flourish; and if they withstand the power of the untamed tribes in their neighborhood, it must be by resuming themselves the savage character. If they fight the Pawnees and Camanches, it must be by themselves again becoming a warlike race. I have no faith whatever in their being able to sustain themselves; but if they do, what have you effected? You have built up a community of near one hundred thousand Indians, obliged, in self defence, to assume a warlike character, and provided, by your annuities, with the means of military annoyance. And what sort of neighbors will they be to your own white settlements? What sort of a barrier will you have raised to protect Arkansas from the Camanches; for this is one of the prospective benefits which have been set forth as likely to result from this measure? The impolitic character of the measure, in this view of it, did not escape the observation of the most judicious person who has visited that country. "It is now, also," says Mr. Nuttall, "the intention of the United States to bring together, as much as possible, the savages beyond the frontier, and thus to render them, in all probability, belligerent to each other, and to the civilized settlements on which they border. To strengthen the hands of the enemy, by conceding to them positions favorable to their designs, must certainly be far removed from prudence and good policy. To have left the aborigines on their ancient sites, rendered venerable by the endearments and attachments of patriotism, and surrounded by a condensed population of the whites, must either have held out to them the necessity of adopting civilization, or, at all events, have most effectually checked them from committing depredations. Bridled by this restraint, there would have been no necessity for establishing among them an expensive military agency, and coercing them by terror."

Sir, these alarms of war are not imaginary. A hostile incursion was made as late as last January into the southwestern corner of the Territory of Arkansas. One citizen was killed while at work, and the neighboring settlements thrown into confusion, and threatened with being broken up. Affidavits proving the fact are on your table. A letter is before me from a highly respectable source in the Territory of Arkansas, stating it to be now "ascertained that the Indians are preparing to make a general attack on our frontiers in the month of May or June next." While I speak it, sir, the savage is perhaps on your frontier settlements. Will he spare your own Indians, whom you propose to throw as a barrier between him and these settlements? No, sir, he will consider these new comers as intruders on his own domain. The vast region to which we have extinguished the title of the Osages and Kansas, and over which we propose to scatter our tribes, is claimed as their own hunting ground, by the Pawnees and Camanches; and you are not to suppose that, while their war parties are insulting the regular troops of your own army, they will respect your enfeebled Indians. Let gentlemen read the account of the expedition sent out to overawe these war parties during the last summer, and they will see this to be no trifling business.

Do gentlemen forget that we have already been called on for strong measures of defence? There is now a bill on our tables, from the Senate, to mount ten companies for the protection of the frontier; and it is not alone against the unreclaimed savages of the desert, that we are called upon for protection. I find, sir, among the papers accompanying that bill, a memorial from the Legislature of Missouri, setting forth the danger to be feared from the Indians collected by ourselves in the region beyond the Mississippi. Coming in a form so authentic and respectable, I shall be pardoned for citing a few sentences from it. It was adopted by the Legislature of Missouri on the 26th of December, 1828.

"There is another consideration equally forcible. The Government of the United States has caused various powerful tribes of Indians to be removed from the east of the Mississippi river, and located on our western frontier. It is believed that these Indians, while on their hunting parties, pay as little respect to the property of the whites, as do the wandering and less civilized tribes of the western territory. The Government having thus located these Indians, it is expected that every reasonable precaution will be taken to secure the citizens of our State from Indian depredations. Savages are restrained by nothing but force, and we have good grounds to apprehend, that, unless a military force be placed among them, they will not only repeat their aggressions on our trading parties, but that ere long they will make inroads on our frontier settlements. We have the authority of an experienced Indian agent for saying that the Pawnee Indians, a powerful tribe, are now much disaffected towards us, and are determined to spare no white man who falls in their way."

In consideration of facts and representations like these, you have now before you a bill for mounting ten companies, a force equal to one-tenth part of the army of the United States. You are actually obliged to turn one-tenth of your army into rangers to protect that frontier, beyond which you are going to congregate your Indian neighbors. If one-tenth are now required, can any one doubt that our whole army would be little enough to repress the incursions of the wild tribes, and keep the peace among seventy-five thousand of our own Indians, pent up in their new districts, and protect the frontier from both? There is little doubt in my mind, that it would require the standing army to be doubled in order to effect these objects.

And now, sir, let us count the cost. Let us count the cost! I do not say this is to be the governing consideration. I do not say, that, if the object could be fairly, and rightfully, and with good faith, attained, I would not go with

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gentlemen who have expressed their readiness, on the like supposition, to take a hundred millions of dollars from the treasury, and pledge the public credit for a century in advance. I will decide that, when the case comes up. But I will know, first, what this movement is really to cost. I will not vote in the dark. I will not be amused with a vote of five hundred thousand dollars, to execute a project, of which the expense will fall little, if any, short of five times five millions.

There are several items in the expenditure requisite to effect such a movement, which, though heavy in amount, are contingent in their nature, and difficult to calculate. I shall take only such as admit of being brought to a standard of calculation: 1st. The first item is the original purchase money; the price we are to give for the title which the Indians have (whatever we call that title) to the lands they occupy. This has ever been a heavy charge in our Indian treaties. What will it cost to extinguish the Indian title to more than fifty millions of acres of land, the quantity occupied by the Indians to be removed? Here we can have no safer estimate than experience. I shall take, as the basis of the calculation, the last considerable treaty with the Creek Indians, that of Washington, in 1826. By that treaty, we acquired four million seven hundred thousand acres of land. The amount paid for this cession, including a principal sum, whose interest would equal the perpetual annuity of twenty thousand dollars, was six hundred and fifty thousand nine hundred and thirty-three dollars. This sum does not include the expenses of negotiation, the value of improvements relinquished, nor the purchase of the territory west of the Mississippi. The amount of land to be acquired exceeds fifty millions of acres; say eleven times the cession made by the treaty of Washington, or fifty-one million seven hundred thousand acres. Eleven times the price paid for the Creek cession amounts to seven million one hundred and sixty thousand one hundred and thirty-three dollars. I deem it fair, on every ground, to suppose that we shall have to pay, at least, as much for the other cessions as we did for that of the Creeks. The Creeks are the least civilized of the southern tribes, and, consequently, place the least value on their lands. The Cherokees and Choctaws could not, in reason or fairness, be expected to sell a cultivated country for any thing like what is paid for the hunting grounds of uncivilized tribes. If the bill is passed, the Indians, in general, will feel and know that their lands will be purchased, at whatever price. On all these grounds, I am warranted in taking the treaty of Washington as a safe standard for the calculation. I might, with great propriety, go above it; for it is now ascertained that a considerable region of these Cherokee lands is rich in gold. We are informed that four or five thousand persons are engaged in washing gold within the Indian country, and that they get two dollars each *per diem*. It may not be half that: but if it is only a quarter, or fifty cents a day, (which is likely to be nearer the truth,) it makes the country an exceedingly rich gold region.* Hosts of intruders are already pouring into the country, to rob the Indians of their gold. We surely shall not imitate their example; we surely shall not take from them gold mines, yielding thousands of dollars a day, without an equivalent. If the whole movement is not to be high-handed force, in its most offensive form, we shall pay them something like the value of the treasure, from the possession of which we

expel them. If we do this, as we are bound, in equity and in common justice, to do, we shall have to pay, for the gold region alone, a sum equal to the whole of what I have estimated for the entire extinguishment of the Indian title. I am, therefore, amply warranted in taking the price of the Creek cession as the standard of the estimate, and putting down the first item at more than seven millions of dollars.

The next item is improvements. The bill provides that we are to pay for such as add real value to the land. This term, improvements, is an expression somewhat vague in its import. But the promises which we have held out to these Indians, as well as the dictates of the barest justice, will require us to make the Indians in the new country, good. If we force them from their houses, we must build them other houses as good. We have solemnly promised we will. We shall be barbarians ourselves, if we do not. We must rebuild for them, in the far-distant wilderness, where wood is scarce, even for fuel, houses, mills, and workshops, such as they have left. They have expended no small sums out of their annuities in roads. Shall we set them down in the pathless desert, and do nothing to open avenues of communication to it, and between its different parts? They have here extensive enclosures to their fields: we must replace these in the prairie. They have wagons, ploughs, looms, and boats. These cannot be transposed but at an expense beyond their value. They must be paid for, or replaced to them. They have a large amount of live stock, most of which will be an entire loss to them, unless we purchase it, or put it in their power to replace it in the desert. All this furnishes a vast amount. I will not undertake to make an estimate of my own; but I will take one furnished from the War Department, by Colonel McKenney, in reference to the Chickasaws. After a detailed enumeration of the items of the estimate, he gives the aggregate sum at four hundred and eighty-four thousand seven hundred and fifty dollars for the Chickasaws alone, a tribe amounting to four thousand souls. Now, it is perfectly well known that this is not the most advanced tribe in civilization. They do not exceed the Choctaws, and they fall behind the Cherokees. I consider it, then, safe to take this estimate of the War Department, for the Chickasaws, as the standard of the estimate for the Indians to be removed. This will give us as the value of the property of seventy-five thousand Indians, to be paid for, reimbursed, and replaced, nine million and seventy-five thousand dollars.

The next item is the cost of collection and transportation. Here we have not merely official estimates, but experience to guide us. Two parties of Creeks have been sent over. That headed by Mr. Brearley, the agent of the emigrating Creeks, cost fifty-two thousand two hundred and ninety-seven dollars, for one thousand two hundred individuals. The other party, headed by Colonel Crowell, cost twenty-seven thousand five hundred and eighty-five dollars, for one thousand three hundred individuals. The expense of the first party is forty-three dollars and fifty-eight cents per head; that of the second, twenty-one dollars and twenty-two cents per head; an average of thirty-two dollars and forty cents. Now we are told from the department, that the price may be still further reduced. Why? If we form an estimate on two fair experiments, the only reasonable mode of procedure is that of average; otherwise, we may make fancied estimates that it will cost nothing, supposing it may be done for less and less each time. But we are to move them by contract, says the Second Auditor. Not, sir, with my consent. Though I deprecate beyond measure the passage of this bill, I will liberally and cheerfully vote the appropriations to carry it humanely and equitably into execution. But I will not vote a dollar for this dreadful contract. Sir, send these Indians off by contract, and their removal will present a scene of suffering, unequalled by that of a flying

* *More gold.*—One of our townsmen has brought, from Habersham county, a piece of gold, recently found there, worth one hundred and fifty dollars. We begin to be of the opinion, generally entertained in the upper counties of this State, that Georgia is extremely rich in the precious metals, and perhaps as much so as Mexico or Peru. Our gold region begins to attract more attention than the sugar region. How strange, that the discovery of gold in this State was not made at an earlier period! Thousands are now profitably employed in searching for this precious metal, and we are afraid some of our most steady, prudent citizens will have their heads turned by "golden dreams."
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army before a triumphant foe. It will be the direct interest of the contractors to stint them in every supply and accommodation, and to hurry them to the utmost limits of human strength. I cast no imputations on the contractors; I know not who they are to be. But they are men, engaging in this business as a money-making speculation; and the most ordinary principles of human nature show, that, if transported in this way, many of these Indians will be destroyed on the march. Let us have no contracts; but send them under the guidance of men of high responsibility, and let us cheerfully pay the necessary expense. The average expense of the two parties of Creeks, which have already emigrated, is thirty-two dollars and forty-eight cents, taking the statement of the department, in which many things are omitted, fairly chargeable to the account. I will then take the cost of collection and transportation at thirty dollars per head, an expense less than the actual average. The result is two million two hundred and fifty thousand dollars for the whole number to be removed.

The next item is subsistence for one year. I have made some efforts to estimate this correctly. I am convinced that in the statements made in debate, on this floor, it has been very much underrated, from not adverting to the circumstance which most directly affects the cost of the ration, which, we are told, is not to exceed eight cents. On application at the proper department, I learn that the cost of the ration at our several military posts west of the Mississippi, is as follows:

At Cantonment Jesup, twenty-five miles from Natchitoches,	13½ cts.
Cantonment Gibson, six hundred miles up the Arkansas,	10¼
Jefferson Barracks, near St. Louis,	6¼

And that "the great facility of transportation is the cause of the difference in price of the ration, in favor of the last named place." This is obvious; and, in calculating the value of the ration, at any given spot, we must take into consideration, not merely the price of beef, and pork, and corn meal, but that of transportation, which makes a difference of two hundred per cent. between St. Louis and Natchitoches. Now, it is to be remembered that this subsistence is to be furnished in the interior of a very remote inland country. At Cantonment Gibson, which is perhaps the furthest point on the route, to which there is navigation, the ration is ten and a half cents. The country where the rations are to be distributed, is, as Mr. McCoy says, one in which "the privileges of navigation will be very moderate. Should the territory prosper, the time will come when this circumstance will be felt as a serious inconvenience." We see how greatly the cost of the ration is enhanced at Cantonment Jesup, which is but twenty-five miles from Red river. These provisions are to be carried by land, where there are no roads. The chairman of the Indian Committee tells us that there are fine droves of cattle on the head of the waters of the Washita. But the Washita does not penetrate this region, and there is a range of hills between. The ration will unquestionably cost more in the recesses of this country, than it does at Fort Jesup, within twenty-five miles of Natchitoches. It is there thirteen and a half cents. I believe it will be twenty cents on an average, throughout this pathless wilderness, without rivers—without roads—without population; but I will take it at only fifteen, being but one cent and a half beyond the military ration within twenty-five miles of steamboat navigation. Taking the ration at fifteen cents, one year's subsistence, without any extras or any contingencies, would be four million one hundred and six thousand two hundred and fifty dollars. Does this seem a vast amount? The operation is vast. Here is an army of seventy-five thousand souls. Look into the accounts of war operations, and see if such an army can be subsisted in an untravelled wilderness, for a

year, at less expense. I say nothing of the support which the Government, unless it leaves them to starve, will indubitably be compelled to furnish them, at the end of the year, and for years to come.

Then, sir, we have titles to extinguish. The Chickasaws are to be put down on the Choctaw lands. Will this cost nothing? The basis of all our operations has hitherto been to give acre for acre. The Cherokees are to be established on lands already granted either to the Creeks or to the Arkansas Cherokees. Something must be done to quiet the claims of the Osages and Kansas, on whose reservations we are already encroaching; and very extensive extinguishments must be made for the northwestern tribes. I say nothing of the claim of the Pawnees and Camanches, whose right to hunt in the whole region we must either buy out or fight out. For this purpose numerous treaties are to be held; and the whole aggregate expense, estimating the present value of the annuities, which will probably be the form of the payment, cannot be less than one million and a half. We have then the following items of the expenditure incident to removing several nations of Indians from their native homes to the western wilderness:

First purchase of their title	\$7,160,183
Expense of improvements to be paid for or replaced	9,075,000
Collection and transportation	2,250,000
Subsistence for one year	4,106,250
Cost of new lands in the West	1,500,000
	<u>\$24,091,383</u>

But, sir, we have not done, even at this rate. We have promised these Indians, that, if they remove, we will keep up their schools, now existing in considerable numbers. We have a territorial government to support among them, which we are told by the department will cost as much as that of Florida, which is about twenty-five thousand dollars per annum. It must be much more expensive, considering the materials to be governed, and that the Government is to descend to such details as counting off the trees which each Indian family is to have in its wood lot. But I take it at twenty-five thousand dollars. Then there is the expense of the military establishment to be kept up. I will go into no considerations to show that a very large military force, beyond any thing proposed or contemplated hitherto, will be required to keep these Indians at peace with each other; to defend them against the unclaimed tribes; and to protect the frontier. I will confine myself to the expense of the ten companies of rangers already asked for. I have examined the report of the Quartermaster General, of the 8th of last March, containing an estimate of the first cost of mounting ten companies, and their annual support. Taking the cost of the horses at one hundred dollars each, which we are told by General Jesup "it will be safer to assume," the first year's expense will be eighty-three thousand seven hundred and fifty dollars, and the annual charge thirty-nine thousand eight hundred and seventy-five dollars. So that the civil government of the new territory, and the military defence of the frontier, will amount to sixty-four thousand eight hundred and seventy-five dollars per annum, according to these estimates. But no man can believe it will rest within any such limits.

I return to the cost of the operation, which I have calculated on official estimates. It is twenty-four millions. Almost just two dollars per head for the estimated population, at the census of this year. This enormous sum is to be raised by a tax on the people. Let us see what proportion of it is to be paid by some of the States. I take the estimated numbers from a document submitted to the House, in reference to the apportionment of Representa-

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tives, under the new census. On that basis, there will be paid for removing the Indians, by

Maine	-	-	-	\$748,000
New Hampshire,	-	-	-	564,000
Massachusetts,	-	-	-	1,152,000
Rhode Island,	-	-	-	184,000
Connecticut,	-	-	-	380,000
Vermont,	-	-	-	548,000
New York,	-	-	-	4,080,000
New Jersey,	-	-	-	650,000
Pennsylvania,	-	-	-	2,800,000
Delaware,	-	-	-	156,000
Maryland,	-	-	-	652,000
Virginia,	-	-	-	1,400,000
North Carolina,	-	-	-	920,000
South Carolina,	-	-	-	570,000
Georgia,	-	-	-	476,000
Kentucky,	-	-	-	1,120,000
Tennessee,	-	-	-	926,000
Ohio,	-	-	-	2,000,000
Louisiana,	-	-	-	200,000
Mississippi,	-	-	-	120,000
Indiana,	-	-	-	664,000
Illinois,	-	-	-	390,000
Alabama,	-	-	-	396,000
Missouri,	-	-	-	290,000

I ask gentlemen from every State in this Union, if they feel justified in laying such a tax on their constituents for such an object. I will not admit that my constituents are less liberal than those of any other member. They are a frugal people, sir, and their frugality enables them to provide honorably for all just and equitable demands of the Government. But if we should go home, and tell the people of Massachusetts that we have voted away eleven hundred thousand dollars of their money to remove these Indian nations, I believe they would call us to a very strict account—an account which I, for one, should not know how to meet. Sir, I solemnly believe that I have not estimated the expense of removing this host one dollar too high; but take it at a half; take it at a quarter, (and the chairman of the committee tells us it may amount to five millions of dollars,) is there a gentleman here, who thinks that his State, if the question were fairly put, would agree to be taxed, to such an extent, for such an object? The State of New York will have to pay one million of dollars as her share of the expense, on its admitted cost. Let a resolution be introduced at Albany, approving such a tax, for such a purpose, and what would be its fate?

But the amount of this expenditure is not my greatest objection to it. The mode of its disbursement is still more exceptionable. The bill provides no check upon it. It is placed within the uncontrolled discretion of the department. Whatever confidence any gentleman may place in that department, such a discretion is at war with the character of our institutions, and peculiarly so with the principle of specific appropriations, which has been so strongly urged upon us as the rule of our conduct. Of all the various objects connected with this bill and comprehended under it, no one is specified. We cannot pass our appropriation bill for the support of Government, without specifying the lowest officer who is to receive a salary, and the amount of that salary; and this, too, notwithstanding the existence of previous laws creating the office. Here we have a vast operation, extending to tribes and nations, to tens of thousands of souls, purchasing and exchanging whole regions, building fifteen thousand habitations in a distant wilderness, and putting seventy-five thousand individuals in motion across the country, and not an officer or agent specified; not a salary named; not one item of expenditure limited; the whole put into the pocket of one head of department, to be scattered at his will!

Sir, I impute no corruption nor purpose of corruption to any officer, high or low. But I say, a bill like this,

which is to send a Government agent to every Indian in the country, in order to tempt him off; which is to appraise the value of every Indian habitation, from the comfortable dwelling of the Cherokee to the wretched cabin of the fugitive Seminole; which is to establish a home in the western prairie for every Indian who has left one east of the Mississippi—and to do all this, merely under the discretion of a department, is a thing unheard of in legislation. Sir, it must of necessity be a scene of corruption, without example. Your commissioners may be men of honor and probity; but the nature of the operation will require an army of agents and sub-agents, contractors and sub-contractors, appraisers and sub-appraisers. Were it but for its effect on the morals of the country, in this respect, the passage of the bill ought to be earnestly deprecated.

And now, sir, what is the necessity of this measure? What is the necessity of removing the Indians? Shall I confess my weakness, sir? I have really tried to find a necessity for passing this bill. So great has been the sensibility manifested in the States most particularly interested; so strong their urgency; so alarming the consequences denounced upon us if we do not pass it, that I have tried to feel myself under a moral necessity to pass it. I would gladly have gone for it, as the least of evils. But I cannot catch a glimpse of any such necessity. I look in vain, in all the documents from Georgia and elsewhere, to find a positive, strong reason why the Indians should be removed. I find nothing but vague propositions, to which (with the utmost willingness to feel their force) I can attach no clear, cogent meaning. They tell us, that, till the Indians are gone, they cannot consolidate their society, nor complete their improvements. These generalities carry no meaning to my mind; at least, none to warrant such stern legislation. "Consolidate their society." Is not the social system as solid in Georgia as anywhere else? "I would not hear her enemy say so." And what obstructs her improvement? Not, surely, the presence of a handful of Indians in a corner of the State. What is the population of Georgia, where there is no room for these few Indians? It is less than seven to the square mile. We, sir, in Massachusetts, have seventy-four to the square mile, and space for a great many more. And yet Georgia is so crowded, that she must get rid of these Indians in her northwestern corner!

Sir, my eye was arrested this morning by a paragraph in the paper, said to be an extract from a letter of a most worthy and estimable gentleman, remembered with regard by many who hear me, as by myself—the Governor of Georgia. As it contains nothing but what I sincerely hope and believe is true, I will quote it:

"The Governor of Georgia, in a letter to a gentleman of Philadelphia, says: 'We have no such class as the poor. Our lands are so cheap, and the absolute necessities of life so easily obtained, that the number of dependent poor are scarcely sufficient to give exercise to the virtue of charity in individuals. A beggar is almost as rare with us as a prince. Children, instead of being an incumbrance to the poor of our country, are their riches.'"

[Mr. WAYNE, of Georgia, here said, "It is true."]

My friend from Georgia tells me it is true. I am heartily glad of it; I hope it will always be true; and I wish I had known it a week or two ago, when I was trying to prove that the tariff had not ruined the southern States.

Being true, sir, I appeal to that high-minded people to be as liberal as they are prosperous, and leave these poor Cherokees in the possession of their native lands.

I have been struck, sir, with the prophetic import of a speech that was uttered by a celebrated Cherokee chief, on occasion of the first session that was made by treaty of the lands of that tribe, in the now powerful and flourishing State of Tennessee. I wish the historian* had given it in

* Judge Haywood's Civil and Political History of the State of Tennessee, p. 45.

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the very words of the chief, for every man of taste will agree with me, that, among these morsels of native eloquence, there are some which would do honor to the best days and most gifted minds of Greece or Rome. That treaty was negotiated in the memorable month of April, 1775. On that occasion Occonostata is said to have delivered "a very animated and pathetic speech." He began with the flourishing state in which the nation once was, and stated the encroachments of the white people, from time to time, upon the retreating and expiring nation of Indians, who left their homes and the seats of their ancestors to gratify the insatiable desire of the white people for more land. Whole nations had melted away in their presence, like balls of snow before the sun, and had scarcely left their names behind, except as imperfectly recorded by their enemies and destroyers. It was once hoped that they would not be willing to travel beyond the mountains, so far from the ocean on which their commerce was carried on. But now that hope had vanished; they had passed the mountains, and settled upon the Cherokee lands, and wished to have their usurpations sanctioned by a treaty. When that shall be obtained, the same encroaching spirit will lead them upon other lands of the Cherokees; new cessions will be applied for; and, finally, the country which the Cherokees and their forefathers had so long occupied, would be called for; and the small remnant which may then exist of this nation, once so great and formidable, will be compelled to seek a retreat in some far-distant wilderness; there to dwell but a short space of time, before they would again behold the advancing banners of the same greedy host, who, not being able to point out any further retreat for the miserable Cherokees, would then proclaim the extinction of the whole race. He ended with a strong exhortation to run all risks, rather than submit to any further encroachment on their territory; but he did not prevail!"

This was in 1775. Since then, sir, there has been more than one period, when, though we talk of "giving peace" to these Indians, we have been glad to take it; when they hung fearfully upon the flanks of your settlements; when Spain used them as her allies, and held you in check through them. There have been times, sir, when, had these Indians been inspired to foresee the future, it would have been for your benefit, not theirs, that your treaties of Hopewell and Holston would have been negotiated. I assert, fearlessly, that there have been periods when the preservation by them of the faith plighted between them and us, was an object as important to us as it is now to them.

But times are changed. Sir, in a late visit to the public grave yard, my attention was arrested by the simple monument of the Choctaw chief, Push-ma-ta-ha. He was, I have been told by those who knew him, one of nature's nobility, a man who would have adorned any society. He lies quietly by the side of our statesmen and high magistrates, in the region—for there is one such—where the red man and the white man are on a level. On the sides of the plain shaft that marks the place of his burial, I read these words:

"Push-ma-ta-ha, a Choctaw chief, lies here. This monument to his memory is erected by his brother chiefs, who were associated with him in a delegation from their nation, in 1824, to the General Government of the United States. He was a warrior of great distinction: he was wise in council: eloquent in an extraordinary degree; and, on all occasions, under all circumstances, the white man's friend. He died in Washington, on the 24th December, 1824, of the croup, in the 60th year of his age. Among his last words, were the following: "When I am gone, let the big guns be fired over me!"

* Push-ma-ta-ha is said to have addressed himself to his brethren in the following manner, before his death:

This chief, whose very grave stone is so touchingly eloquent, was among the head men of the Choctaw people, who negotiated, with the present Chief Magistrate, the treaty of Doak's stand. His name and that of the President are side by side, on the parchment. It is well that he is gone; for, were he alive, and did he presume to exercise the office of chief, in which you recognised him, and do the acts which it is stipulated by the treaty he should do, he would subject himself to the penalties of the law of Mississippi, to be fined a thousand dollars and imprisoned for a year.

Sir, this policy cannot come to good. It cannot, as it professes, elevate the Indian. It must and will dishearten, depress, and crush him. If he has within him a spark of that pride, without which there can be no rational improvement, this gloomy policy would subdue it. I have labored hard to take an opposite view of the subject; but there is no bright side to it. It is all unmingled, unmitigated evil. There is evil on the other side, but none commensurate with that of this compulsory removal.

There, sir, I set my foot; it is compulsory. If you will treat the Indians as free agents; if you will withdraw your legal duress; if they are willing, after exploring the country, to go, I am willing they should, and will join in making the appropriation. But while the laws exist, beneath which they cannot live, it is in vain to tell me they are willing to go. How do you know it? Do you tell me a man, locked up in prison, does not wish to come out? How do you know it? Unlock the prison doors, and then you can tell.

I have heard it said, these laws are passed in *terrorem*; that it is not intended to enforce them. In *terrorem*, sir, and the removal still voluntary? Are gentlemen serious? Repeat the laws; put the Indians in a condition to act voluntarily, and then, if they choose to go, I will not withhold my vote from any reasonable appropriation; scarcely from an unreasonable one, to pay the cost of the removal.

I adjure you, sir, to re-cede; there is no disgrace in it. Other States, more powerful than Georgia, have re-ceded, on points where their honor and interest were equally involved. Sir, if Georgia will re-cede, she will do more for the Union, and more for herself, than if she could add to her domain the lands of all the Indians, though they were all paved with gold.

The evil, sir, is enormous; the violence is extreme; the breach of public faith deplorable; the inevitable suffering incalculable. Do not stain the fair fame of the country: it has been justly said, it is in the keeping of Congress, on this subject. It is more wrapped up in this policy, in the estimation of the civilized world, than in all your other doings. Its elements are plain, and tangible, and few. Nations of dependent Indians, against their will, under color of law, are driven from their homes into the wilderness. You cannot explain it, you cannot reason it away. The subtleties, which satisfy you, will not satisfy the severe judgment of enlightened Europe. Our friends there will view this measure with sorrow, and our enemies alone with joy. And we ourselves, sir, when the interests and passions of the day are past, will look back upon it, I fear, with self-reproach, and a regret as bitter as unavailing.

Mr. WILDE said, in addressing the House, he trusted it would be in a tone and temper not altogether unbecoming the scene, the subject, and the audience. He was not unmindful where, to whom, and of what he was about to speak. He was conscious how wide was the circulation of words uttered there; how eagerly they were caught up; what importance was attached to them, however humble

"I shall die, but you will return to our brethren. As you go along the paths, you will see the flowers, and hear the birds sing; but Push-ma-ta-ha will see them and hear them no more. When you are come to your home, they will ask you, where is Push-ma-ta-ha? And you will say to them, he is no more. They will hear the tidings like the sound of the fall of a mighty oak in the stillness of the woods."

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the speaker; how strictly they were scrutinized; how often they were repeated—"volat irrevocabile verbum."—It flew sometimes into foreign lands; it passed into other tongues; strangers sat in judgment on it, as evidence of our national character—if time spared it, it became history.

Deeply solicitous never to say any thing which would dishonor himself, or discredit the republic—for the rest, he was anxious only to express just thoughts in plain language. Truth, beautiful in herself, lost nothing of her grace by the simplicity of her garb.

Various petitions, memorials, and resolutions had been received, touching the Indians. A deep concern for their welfare had been professed by public meetings, by religious societies, by pious and benevolent individuals of every age, sex, and condition; but principally in those quarters of the Union which the Indians themselves no longer inhabited, and where least was known relative to their present condition and future prospects. Some political agitators had, probably, assisted to excite, or to direct, this ferment; but the zeal of the multitude was generally honest, though it might not be according to knowledge.

It was worthy of remembrance, however, that the few hundred, or few thousand persons, who wrote, talked, memorialized, and petitioned, were nothing in comparison with the millions who were silent and satisfied—the great body of the people, who were content with the course of the Government, and who relied with entire confidence, as well on the firmness as the wisdom and justice of their public agents.

It might be remarked, too, (he hoped without offence to any one,) that this deep feeling, admitting it to be so, was as sudden as it was deep. The Indians had nearly disappeared from eleven of the thirteen old States. They had perished, or removed, or been absorbed into the mass of the population. A few yet lingered—ghosts of old habits and lost dialects—dim shadows of departed tribes. Heretofore their gradual disappearance has produced no violent sensation. The legislation of the country, its arts, its agriculture, its commerce, its institutions, had all proceeded quietly on their march towards maturity and greatness, without alarm or remorse. Our population had advanced upon the wilderness with almost incredible rapidity, and no one was shocked when the hunter and his game retired before the hardy pioneers of christianity and civilization.

Nearly all the old States, except Georgia, most of them while they were yet colonies, had assumed the guardianship of the Indians within their limits, and legislated for them. Some of the new ones had imitated that example. In 1825, a bill, absolutely like the present in principle, passed the Senate without a division, and almost without debate. In 1826, Alabama passed her first act, subjecting the Indians to her laws; yet so sluggish was that sensibility, now so acute, that no murmur of disapprobation disturbed the public repose. It did not follow, indeed, that the feeling now alleged to exist, was not just and proper, because it had been so tardy in exhibiting itself. If the subject of removing the Indians, with their own consent, which is all that this bill proposes, were a new one; if their condition had never before been thought of, some ardor might have been expected, in the first burst of unenlightened and mistaken sympathy. As it is, if this sensibility be at once so extensive, so impetuous, and so morbid, as it is represented; so novel a transport on so stale a subject, we might, perhaps, assign it to a principle of our nature. Emotion to the moral, was like motion to the natural world—a necessity—a law of existence, which at once agitated and preserved it. Individuals and masses felt its effects; communities of men had their currents and counter-currents—like the air and the ocean. It would often be in vain to seek their proximate causes. If found, they might as often disappoint the object of the search. Sometimes, they

were only the sudden gusts "of a calm world and a long peace;" sometimes merely the subsiding swell of the past tempest. But the House, he hoped, were not expected to partake in every temporary excitement by which a portion of the people of this Union might be agitated.

To every remonstrance against real grievances; to every calm, deliberate, and settled expression of public sentiment, that House must ever lend a ready and attentive ear—but they were to distinguish between the sober judgment of the many, and the distempered fancies of the few. They were not partisans, but lawgivers; their province was to hear, weigh, and deliberate. If they looked to the people for practical opinions upon the operation of their laws, the people, in turn, looked to them for sound and liberal views of public policy—the result of wider observation, deeper reflection, and longer experience. He had no doubt that the discussions which took place there, would have much influence on public opinion; even on the opinion of those whom mistaken zeal had heretofore led to array themselves in opposition to the benevolent views of the President. He regretted his inability to contribute, by argument or eloquence, to disabuse the public mind of a portion of its prejudices. The humble task he had assumed, was more suitable to his poor abilities. The House and the people were always competent to draw their own conclusions from admitted facts. To present as many of these as possible, and to review the past policy of the country, with respect to the Indians, was all he should attempt. He had spared no pains in collecting information; but, in communicating it to the House, condense the matter as he might, he much feared he should detain them longer than they desired.

Much had been said of the Indians' original title to this continent. He did not intend to enter at large into this part of the subject. The European settlers founded their title on the rights of discovery and conquest; they derived it from the law of nature and nations. Their claims were sanctioned by the opinions of such respectable writers as Vattel, Locke, and Grotius, and by the practice of the civilized world. They quoted the divine law: The earth, they said, was given to man for his inheritance, and was destined by the Creator to sustain the greatest portion of life and happiness. It was originally common, and appropriated by use and cultivation. All the colonies adopted these principles; they recognised a title in the Indians to those lands only which they had subdued and cultivated, but never imagined that the savage had a natural right to exclude his fellow-man from all that he roamed over in the chase. The history of all the colonies would bear him out in these assertions. He might appeal to their charters, laws, public documents, and State papers. It would be tedious to enumerate or quote, yet he could not forbear reading one or two extracts. They would be received with the more indulgence on account of their source. The first was from the works of a learned and eminent jurist of the eastern States, whose eulogy had lately been eloquently made elsewhere, by a distinguished Senator from Massachusetts. That Senator had placed the name of Nathan Dane beside those of Solon and Lycurgus. It would be cruel in so good a judge to expose any thing less than extraordinary merit to so dangerous a contrast. Mr. Dane, in his valuable compilation of law, has the following observations on Indian title:

"A citizen, by our law, may have the right of soil and fee on wild lands; an Indian, in his native state, cannot; and so has the law of England, of America, and of christendom, viewed his case, from the first discovery of America. His deed has been viewed only as extinguishing his claim, and as giving *quo ad* him to the grantee; a right of peaceable entry, and not as passing the soil and fee. A universal practice, in two respects, evinces this: In every English patent, in ancient times, in America, and it is believed in every European christian grant, there never was

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an exception of the Indian heathen title; though generally there was an exception of other christian grants or settlements previously made."

2. "Every Englishman who came to America, viewed his English patent as giving him the legal title to the land; and he settled with the Indians as of convenience, of equity, or humanity, and not as a matter of law, essential to his title. Hence, even William Penn, as humane towards the Indians as he was, began to fix forever his settlements on his patent title before he even conferred with the Indians about their lands; and had he never agreed with them, he had no idea of quitting Pennsylvania for want of a title to his lands.

"Sec. 18. Exactly so it was with the eight great proprietors of Carolina, Lord Baltimore in Maryland, Roswell and others in Massachusetts, and in all other English if not christian places in America. Our ancestors seem to have made the true distinction, when by law they declared that Indians had property in the lands they possessed and improved, by subduing them, inferring they had no property in land not subdued by them; this distinction was founded on the law of nature, which has ever required that labor be bestowed upon a thing common, in order to make it individual property. Europeans, in fact, have ever considered our Indians as capable of property in a fish or wild beast, because capable of bestowing on either that labor necessary and adequate to appropriate to oneself property from the common stock; but they have never considered them capable of property in lands generally, because generally incapable of subduing them from a wilderness to a cultivated state, and in this respect wholly unlike Europeans."—4 *Dane's Abridgment*, 69.

The observations of Mr. Dane in relation to William Penn were borne out by an extract from his letter to the Indians, to which he [Mr. W.] invited the attention of the House.

"Now, the great God hath been pleased to make me concerned in your part of the world, and the King of the country where I live, hath given me a great province therein; but I desire to enjoy it with your leave and consent."—*Proud's History of Pennsylvania*, vol. 1, p. 195.

For further illustrations of this topic, so far as it related to Pennsylvania, he would refer gentlemen to a work to be found in the Library of Congress, entitled "A Historical Review of the Constitution of Pennsylvania."

Desiring to draw his authorities, as far as possible, from sources unsuspected of any bias against the Indians, he would next refer to the language used by a distinguished jurist and civilian, the late Chief Magistrate of the United States, in his oration on the festival of the pilgrims, December 22d, 1802:

"There are moralists who have questioned the right of the Europeans to intrude upon the possessions of the aborigines in any case, and under any limitations whatever. But have they maturely considered the subject? The Indian right of possession itself stands, with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields, their constructed habitations, a space of ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, was undoubtedly, by the law of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles, over which he has accidentally ranged in quest of prey?"

"Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of a world?"

It was known to many gentlemen around him, that the Rev. Dr. Morse, about ten years ago, made a long report to the War Department, on the condition of the American Indians, after having been appointed a special agent to examine into the subject, and after visiting in person several of the tribes. In that report, the learned and reverend author remarks:

"The relation which the Indians sustain to the Government of the United States, is peculiar in its nature. Their independence, their rights, their title to the soil which they occupy, are all imperfect in their kind."

After commenting upon their being permitted to make peace and war, to dispose of their lands by treaty, and their being without representation in our Government, he proceeds:

"Yet the jurisdiction of the whole country which they inhabit, according to the established law of nations, appertains to the Government of the United States; and the right of disposing of the soil attaches to the power that holds the jurisdiction. Indians, therefore, have no other property in the soil of their respective territories, than that of mere occupancy."

The learned and reverend gentleman, it was obvious, had adopted and transcribed, with a little inaccuracy, the opinion of the Supreme Court, which would hereafter be adverted to.

Mr. W. said he would trouble the House with reading only one or two more passages, from a work of high literary reputation: he spoke of the *North American Review*, a journal always ably conducted, and never more so than at the period to which he referred. The remarks in question were the more valuable, from having been written at a time when the public mind was entirely without excitement on the rights of the Indians, and when it was, therefore, to be presumed the author of the interesting article before him expressed settled, sober, and deliberate opinions. In the review of "Letters on the eastern States," "The twelfth letter," says the reviewer, "treats of the past, present, and future state of the Indians; a subject which involves some questions of casuistry, and some of policy. It is a point sometimes mooted, not indeed by sincere moralists, but by political railers, who seize at any handle of national calumny, what right we or our fathers have, or had, to dispossess the aboriginal lords of the soil. This is an excellent question for disputation, for many of the arguments are on one side, while most of the truth is on the other. Nothing seems clearer, in the abstract, than that the original incumbents are the rightful proprietors of the soil; that it is not within the right of foreign intruders, under the pretence that they are civilized, while the incumbents are savage, to expel them from their possessions; nor is such a right, not naturally possessed, to be acquired by such sort of purchases as are commonly made by civilized colonists of savage owners. In short, half-taught casuists are apt to shrug up their shoulders and look wise when the subject of such purchases is mentioned; and leave to be shrewdly suspected that the transaction is, after all, no better than a legal or a pious fraud. We are not at leisure to enter into the inquiry, how far the temper and character of our early settlers, or the actual policy of our Government toward the natives, may justify this supercilious righteousness of censure."

"There may have been something suspicious in the tone of feeling of the early colonists, a little too frequent allusions to the invasion of Canaan, and an ominous disposition to return thanks for driving out the heathen. Our early historians exult, with an alarming complacency, over a pestilence which is said to have raged among the natives a year or two before the landing at Plymouth, and to have covered the country which first presented itself to our forefathers with graves. But, notwithstanding all these incitements to mild and charitable judgments, it must not be forgotten that the property which vests in the mere right of possession depends on an extremely vague and indefinite tenure. It can scarcely be understood to extend beyond the limits of one organized civil society, where the established compensations by which every citizen pays all the rest for protecting him in his possessions, may seem

* *North American Review*, July, 1820, p. 93.

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to furnish an equitable ground on which those possessions are held by him. This right of property may even acquire a benevolent extension, beyond the pale of the political organization that immediately protects it, and may be recognised by all similar organizations; that is to say, there is a sort of common bond among all civilized nations; to respect certain pretensions to property over the soil occupied respectively by each other. And yet so extremely feeble is this right of property, as recognised by one nation in another, that two princes have but to affront each other and go to war, and all the stipulations supposed to exist are swept away, and you turn in your troops, without scruple, upon the peaceful village of your neighbor. If such is the acknowledged frail foundation of the right in nations who profess to be in alliance with each other by the bonds of civilization, on what good ground can a savage tribe lay claim to all the land that they can wander over in the chase, and to every forest in which the deer seeks refuge from their arrows? Who has recognised their property? and what treaty has mankind entered into with them, to give them up fair continents to be so poorly improved? Naturally speaking, all men have a right to live on the earth; and a ship's company of exiles, forced by persecution, or a crowded population, or any other cause, to a barbarous coast, have as good a natural right to land and settle on it, as the native tribes to continue there to hunt and fish. To avoid present inconvenience and war, it is usual and most prudent to attempt to purchase a right of the incumbents; but it is clear that they have no more natural property in the soil than you. If it be said, in answer to this, that a tribe of savages might, with equal reason, invade a cultivated shore, and claim an equality of right with its civilized inhabitants, arguing that they were their own judges, how a region ought to be inhabited, and that they held hunting and fishing to be a more proper mode of existence than tilling and pasturage; we answer, then, in the dry special pleading of the theory, this is true; and they must go to war, and the strongest be the rightful owner, as the barbarous nations did, when they came down from the wall of China, and took possession of the fair shores of the Mediterranean. But, in common sense and practice, there is no confusion in this case; nor would any sincere moralists be inclined to put the settlement at Plymouth on the footing of the invasion of Great Britain by a horde of Esquimaux."

The reviewer [said Mr. W.] proceeds: "What ought to be our conduct, in the present state of things towards the Indians, is a more important question; because it is one which will decide our treatment of a large class of fellow-men. It is tolerably well ascertained that they cannot support the neighborhood of civilization. Foreign and ignorant judges may sneer at this; but it is a simple fact, ascertained by experience. It would not be easy to substantiate a single act of violence, far less any systematically oppressive treatment towards the savages in this State, for instance, since the time when they had thirty churches in the neighborhood of Boston, and some of them served by ministers of their own race. And yet those churches, like so many others throughout our country, have vanished; and what is the cause? Simply this, that the Indians have either mingled with the whites, and thus been confounded with the mass, which has happened to so small a degree as scarce to be mentioned; or, remaining distinct, they have dwindled away, in consequence of necessary checks on their increase, not implying a voluntary oppression on our part. Drunkenness and other vices, of which the almsman has been imparted to them, have thinned their numbers. They lived by hunting and fishing; we have cut down the forests, and killed the deer and the bears, and put to route the beavers, and have built mill-dams across the rivers, and frightened away the salmon, and come in all hungry to divide the spoil of the shad and the alewives. They must always have covered a very

large tract with a very small population; and would naturally disappear long before they had alienated all their lands."

"To take measures to preserve the Indians, is to take measures to preserve so much barbarity, helplessness, and want, to the exclusion of so much industry and thriftiness. No personal injustice should be, or is tolerated; but the laws which have for their end to keep up the existence of large bodies of half clad barbarians, who will not, or cannot sustain themselves by the arts of civilized life, are laws to prevent comfort and improvement from taking the place of misery and want. The object of true humanity is not blindly to better the condition of a given individual, whether he will be bettered or not, but to put a happier individual in the place of a less happy one. If it can be done by changing the nature of the latter, it is well; if it cannot, leave him to the operation of his character and habits. Do not resist the order of Providence, which is carrying him away; and, when he is gone, a civilized man will step into his place, and your end is attained. Had the British Government, when our settlements began, placed the whole of America under the administration of commissioners, and retained a right of pre-emption over all the lands, the United States would have been to this day a great—perhaps not a great—Massapee, or herring-pond parish."

"Little, however, as we join in the regret which is sometimes expressed at the vanishing of the Indian tribes, we heartily participate the wish, that, before they are gone forever, no pains should be spared, and no time lost in—doing what? Can you imagine?—"in collecting their traditions, describing their manners, and, above all, preserving specimens of their language."

Such [said Mr. W.] were the opinions of a sensible man and accomplished scholar, speculating on the condition of this extraordinary people, in the calm retirement of his closet, ten years since. Will the House consent to hear him a little further? He quotes from the work which he is reviewing, this description of the vagrant Indians of New England.

"It is remarkable how few of the natives are to be found in our population, and how rarely they blend with it. The discolorings from Indian are infinitely fewer than those arising from negro mixture. The few that remain are not so numerous as the gipsies in many parts of Europe, to which they may in many points be compared. Two or three, or sometimes a larger group, perambulate the country, offering medicinal herbs, or brooms for sale, almost the only article they manufacture. They are a harmless set of beings, and lead a life of hardship, though not of labor. I have sometimes thought, when I have seen some of these poor Indians, on the revolving turns of fate, that here were the descendants perhaps of the sachems, who once held the country, and made treaties with our ancestors, when they might have annihilated them, gaining a scanty livelihood from the charitable purchases of their posterity. They preserve most of the traits of the Indian character, though embedded in civilization, and knowing no other language than the English. They are seldom seen to laugh, are prone to intoxication, yet obliged, from poverty, to have intervals of sobriety: and in traversing the country, while they commonly make use of our roads, they retain a knowledge of its natural topography, and are never afraid of being lost in the forest, as they always know their direction, and often traverse the country, as was the primitive practice, from one stream to another, at the shortest carrying place, and still are acquainted with all the rivers and ponds, and the most probable places of finding game."—pp. 237, 238.

The reviewer proceeds:

"A small party of vagrants of this description, was lately, and perhaps is now, wandering in our neighborhood. One might easily have mistaken them for gipsies, but for

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the shade of copper color, instead of the dark olive in their complexions. Their party of six or eight consisted of three generations, of whom the two first retained a little acquaintance with their native Indian dialect, which in the third was lost. They did not appear to share the quality which is said to sit deep in gipsy blood, that of mistaking their neighbor's hen-roost for their own. Whether they would have been able to hold fast their integrity, through the tempting season of June-eating and early Catharine pears, we cannot undertake to say. While they honored us with their presence, they led a mighty honest life of basket weaving; and it was no unpleasant sight in the evening, to see the red flames and the heavy smoke curling up round a comfortable iron pot, which they understood how to keep boiling as well as their neighbors. Neither can they be said to have been devoid of taste: for they took up their abode on about the pleasantest spot which the district contains, and added, by their romantic encampment, a new beauty to Jamaica pond, of a kind we suppose not wholly to the taste of the neighboring municipality; who soon approved their descent from the pilgrims, and, after a lapse of two or three weeks, drove out these heathen without further ceremony."

This [continued Mr. W.] was perhaps the best practical commentary he could make upon that part of the eloquent address of the gentleman who had just sat down, [Mr. EVERETT] and the memorial of the inhabitants of the State of Massachusetts.

To resume the thread of his remarks, interrupted by this long quotation, which he trusted; however, was not altogether destitute of interest, Mr. W. declared he was not disposed to enter into abstract or speculative doctrines on the subject of Indian title. Those who were, probably would say, all property is founded on utility—on its tendency to sustain a greater portion of life, promote the happiness of human beings, and develop the moral and intellectual faculties of man. Property in any thing was acquired by the common consent of mankind, in consequence of the labor bestowed on it. Hence, in the progress of civilization, property might be acquired and secured, for the common good, in many things, to which in a savage state no individual could acquire an exclusive title, without obstructing the end and aim of property itself—human happiness.

What, for example, was more emphatically a man's own than the creations of his own genius, the fruit of his own invention—the poetry of Milton, or the machinery of Arkwright? To secure this property, in civilized society, was the object of copyright and patent laws.

But if a savage invented a bow or a trap, though he might have a property in the thing made, he could hardly have a right to exclude his fellow-savage from the use of an invention which increased the facility of procuring subsistence, and so far improved the condition of the race. On what principle, then, could a people of savages exclude their civilized fellow-men from participation in a soil which they disdain to cultivate?

But of what avail are speculative doctrines on this subject? The common consent of mankind has settled it. Recognised by every respectable writer on the law of nations; acted upon by every civilized State—to what practical result would a further inquiry lead? Do we intend to be more wise, and just, and pious, than all the world besides? Do we mean to be only theoretically so? Is it proposed to practise on these dogmas? Does the wildest enthusiast dream of re-ceding to the savages the whole extent of country, which we, or our ancestors, obtained from them, as it is alleged, by lawless violence or delusive bargains? Are our thirteen millions of people to abandon their farms, their cities, their flourishing agriculture, their widely extended commerce, their cherished manufactures, their forts, their dockyards, their schools, their colleges, their temples, their homes, and their altars, to restore

their native wilderness to wandering hordes of ignorant and brutal barbarians? Are our sciences, our arts, our literature, our institutions—all that makes life valuable; and adds grace and dignity to human nature, to be surrendered to the natural claim of the Indian to the forest? And if not abandoned, why impeded? Are we to check the course of human happiness—obstruct the march of science—stay the works of art, and stop the arm of industry, because they will efface in their progress the wigwam of the red hunter, and put out forever the council fire of his tribe?

Mr. W. said, leaving this branch of the subject, he would next attempt to trace an outline of our policy towards the Indians. He did not mean to go back to the discovery of America, the Pope's bull, or the conquest of Mexico. He would begin with the confederation, and meant to do little more than present brief abstracts of official documents.

The continental Congress, on the 12th of July, 1775, appointed commissioners on Indian affairs, to treat with them, preserve peace, and prevent their taking any part in the approaching commotions.

On the 27th of January, 1776, they took measures to supply the Indians with goods.

On the 5th of February, 1776, upon the memorial of a Mohegan Indian of Connecticut, Congress resolved—"That a friendly commerce between the people of the United States and the Indians, and the propagation of the gospel, and the cultivation of the civil arts among the latter, may produce many and inestimable advantages to both; and that the commissioners for Indian affairs be desired to consider of proper places in their respective departments for the residence of ministers and schoolmasters, and report the same to Congress."

On the 10th of April, 1776, a similar resolution was adopted as to the Delaware Indians. On the 27th of May, 1777, the committee appointed to confer with a committee of the Assembly of Pennsylvania, concerning a complaint made by the Indians, report, "That they have conferred with the said committee, by whom they were informed that a considerable number of the inhabitants of Pennsylvania have seated themselves upon lands belonging to the Indians, without their leave, or any authority from the State; and that the Indians are very uneasy on account of such intrusions: Whereupon, *Resolved*, That the executive power, or Legislature of Pennsylvania, ought to take proper measures to quiet the minds of the said Indians, by assuring them that they shall have full satisfaction, either by the removal of the intruders, or by allowing them an adequate consideration for the soil, at the option of the Indians."

On the 2d of November, 1782, a committee of Congress report, "That they have had a conference with two deputies of the Catawba nation of Indians; that their mission respects certain tracts of land reserved for their use in the State of South Carolina, which they wish may be so secured to their tribe as not to be intruded into by force, nor alienated even with their own consent: Whereupon, *Resolved*, That it be recommended to the Legislature of the State of South Carolina to take such measures for the satisfaction and security of the said tribe, as the said Legislature shall in their wisdom think fit."

On the 22d of September, 1783, Congress issued a proclamation forbidding settlements on, or purchases of, Indian lands, without the limits or jurisdiction of any particular State.

On the 15th of October, 1783, after adopting some resolutions relative to Indian affairs, Congress resolved "that the preceding measures shall not be construed to affect the territorial claims of any of the States, or their legislative rights within their respective limits."

On the 30th of October, 1783, Congress adopted the following preamble and resolution:

"Whereas it appears that the application of the Legis-

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lature of Pennsylvania, relative to a treaty for the purchase of the Indian claim to lands within the jurisdiction of that State, proceeded from a respectful attachment to the Federal Government, and a desire to guard against prejudices which might arise from the interference of their own particular views with the authority of the United States: that the public interest might have been deeply affected by a negotiation for such purchase, independent of, and unconnected with, the general treaty, to be holden on behalf of the United States. *Resolved*, That the commissioners for holding the convention with the Indians, under the act of the 15th day of October instant, give notice to the Supreme Executive of the State of Pennsylvania, of the time and place of holding such treaty, to the end that the persons to be appointed by that State, for purchasing lands within the limits thereof, at the expense of the said State, may attend for the sole purpose of making such purchase, at the time and place appointed for holding the said treaty: and the commissioners on the part of the United States are instructed to give every assistance in their power to the commissioners who may be appointed on the part of Pennsylvania, towards promoting the interest of that State, as far as the same may consist with the general interest of the Union."

So tender were the continental Congress of interfering with the rights of the States on this subject, that, in the ordinance of the 7th of August, 1786, for the regulation of Indian affairs, it was provided, "That, in all cases where transactions with any nation or tribe of Indians shall become necessary to the purposes of this ordinance, which cannot be done without interfering with the legislative rights of a State, the superintendent in whose district the same shall happen, shall act in conjunction with the authority of such State."

On the 1st of September, 1786, Congress issued a proclamation in regard to the hunting grounds of the Cherokees in the State of North Carolina, providing, however, that it should not be construed to require the removal of the settlers in the fork of French Broad and Holston rivers, and "provided, also, that nothing contained in that proclamation should be considered as affecting the territorial claims of the State of North Carolina."

On the 26th of October, 1787, when a treaty of peace was about to be made with the southern Indians, the States of North Carolina, South Carolina, and Georgia were authorized to appoint one commissioner each, and the agreement of any two of the commission was sufficient.

The powers exercised by Congress under the confederation, relative to the Indians, were derived principally from that article which gave them "the sole and exclusive power of regulating the trade, and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated."

The plan of the constitution, as submitted to the convention, contained no similar article.

An amendment was proposed, August 18, to insert a power "to regulate affairs with the Indians, as well within as without the limits of the United States."

It was referred to a committee, which reported an amendment to the power of regulating commerce with foreign powers and among the several States, by adding, "and with Indians within the limits of any State, not subject to the laws thereof." This was afterwards altered thus, "and with the Indian tribes."

This has been claimed as an extension of power to Congress under the constitution, beyond what they possessed under the confederation; and Mr. Madison's expressions in the 42d number of the *Federalist* have been invoked to favor that construction. But it is manifest, on a careful consideration of the article, the amendments, and his language, that the extension of power is only so far as it relates to the regulation of commerce; the other power, "of ma-

haging all affairs with the Indians," which had been productive of so much embarrassment under the confederation, being entirely struck out. Under the power to regulate commerce, it is apparent no right beyond that of controlling the Indian trade was granted, or intended to be granted.

The power of making treaties, therefore, is resorted to. The difficulty is deemed worthy of an appeal to this great political divinity.

— "dignus vindice nodus."

The treaty-making power was granted to Congress by the articles of confederation, in as ample terms as it is to the President and Senate by the present constitution.

By the ninth article, Congress have the sole and exclusive right and power of determining on peace and war, sending and receiving ambassadors, and entering into treaties and alliances.

The restrictions are—

Nine States must concur.

No treaty of commerce shall restrain the States from prohibiting the importation or exportation of commodities; or from imposing on foreigners the same imposts or duties which they levy on their own citizens.

The restrictions on the States in relation to treaties were essentially the same.

The sixth article provides—"No State, without the consent of the United States in Congress assembled, shall enter into any conference, agreement, alliance, or treaty, with any King, Prince, or State." And further: "No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled." What was the practical interpretation of the treaty-making power, so granted to Congress, and so restricted as to the States under the confederation? The articles were adopted the 15th November, 1777. On the 27th May preceding, and the 30th October, 1783, the resolutions already quoted in relation to the State of Pennsylvania, were adopted. On the 2d November, 1782, that in relation to the Catawba Indians.

If Congress possessed the power of guarantying to Indians the rights of soil and sovereignty, by treaty, why did they adopt those resolutions? By reference to the journals of the convention, it will be seen, that, while a formal ratification of every foreign treaty was solemnly made, no compact with any Indian tribe ever was ratified as a treaty. As a further proof that the continental Congress did not consider compacts or agreements with Indians upon the footing of treaties, on the 12th October, 1787, they passed Mr. KINO's resolution, appropriating twenty thousand dollars for the purpose of holding treaties with the Indians, whenever a majority of Congress should judge necessary. On the 25th October, 1787, seven States only being present, the resolution arranging the details for negotiating these treaties was passed. What is the conclusion? Nine States being required to make a treaty, and that provision being alike applicable to its commencement and conclusion—either these compacts with Indian tribes were not considered treaties, or the venerable Congress of that day wilfully and deliberately violated the instrument from which they derived their authority. It may be remarked, also, that, on the 3d June, 1785, the treaties with the Six Nations, the Wyandots, Delawares, &c. were ordered to be transmitted to the Executive of the States, with a declaration that no purchases of Indians should be considered as interfering with the rights of any State to the jurisdiction or soil.

At the first session of the Senate under the new constitution, General Washington laid before them some of the treaties negotiated under the resolution of Mr. KINO, before adverted to. Among these were the treaties of Fort Harmar, of the 9th January, 1789. The papers were re-

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ferred to a committee, which reported that they "he accepted, and the President of the United States be advised to execute and enjoin an observance of the same." The Senate passed a resolution accordingly, "that the President of the United States be advised to execute and enjoin an observance of the treaty concluded at Fort Harmar, on the 9th January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Wyandots, Delawares, Ottawa, Chippewa, Pattawatima, and Sac nations." And an attested copy of the proceedings was laid before the President. The President sent a message to the Senate, urging the practice of ratifying treaties with foreign powers, and saying he "inclined to think it would be advisable to observe it in the conduct of our treaties with the Indians; for, though such treaties being, on their part, made by their chiefs or rulers, need not require to be ratified by them, yet, being formed on our part by the agency of subordinate officers, it seems to be both prudent and reasonable that their acts should not be binding on the nation until approved and ratified by the Government."

This message was referred to a committee, which reported "That the signature of treaties with the Indian nations has ever been considered as a full completion thereof, and that such treaties have never been solemnly ratified by either of the contracting parties, as hath been commonly practised among the civilized nations of Europe: wherefore, the committee are of opinion that the formal ratification of the treaty of Fort Harmar, &c. is not expedient or necessary; and that the resolve of the Senate, of the 8th of September, 1789, respecting the said treaty, authorizes the President of the United States to enjoin a due observance thereof."

The Senate, on the 22d September, 1789, proceeded to consider the report, postponed it, and adopted the following resolution:

Resolved, That the Senate do advise and consent that the President of the United States ratify the treaty concluded at Fort Harmar, &c.

It does not appear what were the reasons for this change of opinion on the part of the Senate, nor does the journal exhibit the yeas and nays, or state that the resolution was adopted by two-thirds.

In 1790, a treaty having been negotiated with the Six Nations, by which the commissioner, with good intentions, but incautiously, made certain confirmations of lands granted or leased by the Indians, in the State of New York, to individuals, General Washington informed the Senate that it was unauthorized by his instructions, unsupported by the constitution, and that the transaction had been explicitly disavowed by his orders to the Governor of New York, on the 17th August, 1790.*

The constitution, art. 1, sec. 10, first clause, interdicts the States from entering into any "treaty, alliance, or confederation."

This prohibition is absolute, unconditional, and without qualification.

By the last clause, "No State shall enter into agreement or compact with another State, or with a foreign power, without the consent of Congress."

The framers of the constitution, then, distinguished between treaties, alliances, and confederations, which were absolutely interdicted, and mere compacts or agreements with another State or foreign power, which were permitted with the consent of Congress.

But a compact with a tribe of Indians is neither with a foreign power nor another State: and it is fair to infer that the phraseology was adopted for the purpose of allowing it. Such compacts have been made; and the consent of the Congress has been asked; and a commissioner on the part of the United States has attended; and the

agreement has been submitted to the Senate; but, latterly, that body seems inclined to reject the construction which supposes such interference necessary.

In December, 1827, a treaty of this description with the Seneca Indians, providing for the extinguishment of their title to certain lands in New York, in favor of the parties holding the right of pre-emption, was submitted to the Senate. Upon the resolution, that the Senate advise and consent to the ratification of the treaty, it was determined in the negative: yeas, twenty—nays, twenty. The Senate then adopted a resolution, "That, by the refusal of the Senate to ratify the treaty with the Seneca Indians, it is not intended to express any disapprobation of the terms of the contract entered into by the individuals who are parties to that contract, but merely to disclaim the necessity of an interference by the Senate with the subject-matter."

It might be here observed, that the commissioners who negotiated Indian treaties, were formerly designated ministers plenipotentiary, and were nominated to the Senate, like other ministers. That practice has been long abandoned, and they were now appointed solely by the President. The negotiations at Ghent had been referred to by the honorable gentleman from Massachusetts, [Mr. EVERETT] in the course of this discussion. Unless he [Mr. W.] erred; there was a part of that correspondence which did not favor the view taken by that gentleman. In their note of the 26th December, the American commissioners thus explain the policy of the United States respecting the Indians:

"On this subject the undersigned have no hesitation in avowing that the United States, while intending never to acquire lands from the Indians otherwise than peaceably, and with their free consent, are fully determined in that manner, progressively, and in proportion as their growing population may require, to reclaim from a state of nature, and to bring into cultivation, every portion of the territory contained within their acknowledged boundaries. In thus providing for the support of millions of civilized beings, they will not violate any dictate of justice and humanity; for they will not only give to the few thousand savages scattered over that territory an ample equivalent for any right they may surrender, but will always leave them the possession of lands more than they can cultivate, and more than adequate to their subsistence, comfort, and enjoyment, by cultivation."

In considering the power to make treaties, Mr. W. said he put out of the discussion, at least for the present, the constitutional right of the United States to cede any portion of a State. Mr. Jefferson, in his correspondence with our minister in Spain, while Secretary of State, it would be seen, disavowed the right. When the British commissioners at Ghent proposed to treat on the basis of *uti possidetis*, the American commissioners refused, alleging that this might involve the cession of some part of our territory, and no such treaty would they subscribe.

Mr. Quincy, in the debate on the admission of Louisiana into the Union, contended for limitations on the treaty-making power. He said: "It was a monstrous proposition to assert that the treaty-making power is competent to change the fundamental relations of the constitution itself;" and added, that, in the conventions of the day, it was admitted the treaty-making power could not cut off a limb.

Whether, for the purpose of restoring peace, at the end of an unsuccessful war, they might, at the expense of a single State, relinquish, by treaty, what had already been wrested from them by conquest, was an extreme case. He [Mr. W.] was unwilling to believe it ever would occur; and if it did, he was not prepared to admit the constitution

* Senate Journal, 1827—'8, 495, 6, 7.

† Waite's State Papers, vol. ix, p. 406—7.

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al right. It would not be pretended, however, that we ever had been, or should be, compelled to cede to Indians what they had conquered from us. Yet, she was greatly deceived, if he did not show, conclusively, hereafter, that the United States had, at one time, usurped the power of ceding a part of the State of Georgia to a tribe of savages. How long would Pennsylvania or New York have endured such an indignity? As to lands occupied by Indians within the old States, he apprehended the question stood thus: the right of soil and jurisdiction was not in the United States; they could not grant by treaty, to the Indians, that which they had not themselves. If these rights did not exist, independent of treaties, treaties with the United States could not give them. But, it appeared to him, they neither did exist independent of treaties, nor did any treaty attempt or profess to give them. No treaty explicitly guaranties the sovereignty and soil to the Indians. The title guarantied is merely the occupancy, which, so far as he knew, was not proposed to be disturbed by the bill before them.

The claim of the Indians to the rights of sovereignty and soil, stood, therefore, on the original ground of the law of nature and nations, to which the compacts between them and the United States had added nothing. If the United States had, indeed, improvidently made agreements with the Indians, which they had no constitutional power to execute, the contract could not be executed, but the good faith of the United States was bound to make every compensation in their power; and this bill provided the means of doing so. The effect of usage or opinion was as strongly illustrated by this subject of Indian treaties, as by any other. What to-day is fact, to-morrow will be precedent, the next day practice, and then a contemporaneous construction of the constitution. Strictly speaking, the United States had no right to hold a treaty for the acquisition of land with the Indians within a State in which the soil or fee does not belong to the United States. The treaty is held by the State. A commissioner on the part of the United States may be appointed to attend, to see that justice is done to the Indians. This is a matter of expediency, resulting from their obligations to protect the State from war or domestic violence.

The anomalous condition of the Indian lands in Georgia has been the source of much confusion in the arguments on the rights of that State.

The right of soil and jurisdiction was in Georgia; the occupancy in the Indians. The obligation to extinguish the Indian claim to occupancy rested on the United States.

The right of treating was gradually assumed by those on whom the obligation and expense of disencumbering the estate devolved.

Mr. W. said he would here make an observation or two, connected with another branch of the constitutional question.

By the constitution, a basis of representation is agreed on, and "Indians not taxed" are to be excluded. He was at a loss to conceive why this provision was necessary, or how it was applicable, unless the States had a right to include and tax them.

In addition to this, the constitution guaranties to every State a "republican form of Government," and engages to protect them against invasion and domestic violence. How is this consistent with the existence of an Indian Government within the heart of a State independent of her laws?

Moreover, "no new State shall be formed or erected within the jurisdiction of any other State." To meet this difficulty, it is alleged the Cherokee oligarchy is not a State. Thus it seems, when they are to be considered as proper subjects for the action of the treaty-making power, they are a State; but when the inhibitions of the constitution are to be applied to them, they are not a State.

Mr. W. said, he would next refer to the speeches and

messages of the different Presidents of the United States, as illustrative of the course pursued by the Government on this subject.

Until near the close of General Washington's administration, the relations between the Indians and the United States, as was well known, were those of almost unceasing hostility. The detention of the western posts, and the machinations of foreign agents among the savages, were topics of frequent complaint.

In his first speech to Congress, January 8, 1790, he says: "There was reason to hope that the pacific measures with regard to certain hostile tribes of Indians would have relieved the inhabitants of our southern and western frontiers from their depredations. But you will perceive, from the information contained in the papers which I shall direct to be laid before you, that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish the aggressors." In his speech at the opening of Congress, 8th December, 1790, he informs Congress of the murders and other outrages committed by the Indians, and that, defensive operations being inadequate, he had ordered out the militia, and directed offensive operations.

On the 25th October, 1791, in his speech at the commencement of the session, he informs Congress of the steps taken to punish the savages, and restore peace to the frontier, and recommends measures in relation to trade and intercourse with them.

In his speech, November 6, 1792, the President details the efforts made to restore peace, and the various depredations and outrages of the savages. After adverting to the hostilities north of the Ohio, he proceeds: "It must add to your concern to be informed, that, beside the continuation of hostile appearances among the tribes north of the Ohio, some threatening symptoms have of late been revived among some of those south of it. A part of the Cherokees, known by the name of Chickawagas, inhabiting five villages on the Tennessee river, have long been in the practice of committing depredations on the neighboring settlements.

"It was hoped that the treaty of Holston, made with the Cherokee nation in July, 1791, would have prevented a repetition of such depredations. But the event has not answered this hope. The Chickawagas, aided by some banditti of another tribe in their vicinity, have recently perpetrated wanton and unprovoked hostilities upon the citizens of the United States in that quarter."

In the succeeding year's speech, December 3, 1793, he states the obstinacy of the savages; the liberality of the United States to them; the relief extended to them in food and clothing; the anxiety of our Government for peace, and still critical state of our relations with the Creeks and Cherokees.

On the 19th November, 1794, he refers to the military operations under General Wayne, the willingness of the Government to grant the Indians peace, and adds: "Towards none of the Indian tribes have overtures of friendship been spared. The Creeks, in particular, are covered from encroachment by the interposition of the General Government and that of Georgia."

In his speech at the opening of Congress, 8th December, 1795, he mentions the successful termination of the war with the northern Indians, and the trespasses alleged to have been committed on the southern Indians by some lawless white men.

This is the only instance during the whole course of his administration, in which the Indian hostilities do not appear to have been entirely wanton and unprovoked.

In the same speech he suggests the propriety of taking means to supply their necessities, and the possibility of civilizing them.

In 1796, he speaks of the measures taken to secure peace, and establish forts and trading houses.

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Thus far—

To chastise their unprovoked hostility by arms;
 To provide them occasionally, and in case of absolute necessity, with food and clothing;
 To cultivate their good will by presents;
 Prevent intrusions on their hunting grounds;
 Provide for intercourse and commerce with them, and establish forts and trading houses; seem to have been the principal subjects of executive solicitude.

During the ensuing administration, Mr. W. said he found in the speeches of the President only one reference to our Indian affairs: on the 23d of November, 1797, where he speaks of the interference of foreign agents, and their attempts to excite the savages to hostilities against the United States, and suggests the passage of a law to reach such offences. The President, then, evidently did not consider such a law as an unwarrantable interference with Indian sovereignty. Neither in the inaugural address or first message of Mr. Jefferson, is any mention made of Indian affairs. The remaining messages of the first four years of his administration refer, in general terms, to the settlement of boundaries, the cessions of lands, and the efforts of the Government to preserve peace and introduce agriculture and the arts among them. In his inaugural address, at the commencement of his second term, 4th March, 1805, he comments on the condition of this people more at length:

"The aboriginal inhabitants of these countries, I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men—breathing an ardent love of liberty and independence—and occupying a country which left them no desire but to be undisturbed—the stream of overflowing population, from other regions, directed itself on these shores—without power to divert, or habits to contend against, they have been overwhelmed by the current, or driven before it—now reduced within limits too narrow for the hunter's state, humanity enjoins us to teach them agriculture and the arts—to encourage them to that industry which alone can enable them to maintain their place in existence—and to prepare them in time for that state of society which to bodily comforts adds the improvements of the mind and morals. We have, therefore, liberally furnished them with the implements of husbandry and household use; we have placed among them instructors in the arts of first necessity; and they are covered with the ægis of the law, against aggressors from among themselves.

"But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter; they are combatted by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors; that whatever they did, must be done through all time; that reason is a false guide, and to advance under its counsel in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger; in short, my friends, among them is seen the action and counteraction of good sense and bigotry. They too, have their anti-philosophers, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason, and obeying its mandates."

In the messages of 1805-'6 and '7, the efforts of the Government to preserve peace—the acceptance of cessions—the determination to promote their progress and welfare, are mentioned.

In 1808, the President informs Congress that "one of the two great divisions of the Cherokee nation have now in consideration to solicit the citizenship of the United States, and to be identified with us, in laws and government, in such progressive manner as we shall think best. In the messages of President Madison, in 1809-'10 and '11, nothing material appeared in relation to this topic. In 1812, he says: "The Indian tribes, not under foreign instigations, remain at peace, and receive the civilizing attentions which have proved so beneficial to them."

In the messages of 1813 and '14, reference is made to the war with the southern Indians, and the military services of the present Chief Magistrate.

In 1815, the President says: "The Indian tribes within and bordering on the southern frontier, whom a cruel war on their part had compelled to chastise into peace, have latterly shown a restlessness, which has called for preparatory measures for suppressing it, and for protecting the commissioners engaged in carrying the terms of the peace into execution."

In 1816, he says: "The Indian tribes within our limits appear also disposed to remain at peace. From several of them, purchases have been made, particularly favorable to the wishes and security of our frontier settlements, as well as to the general interests of the nation. In some instances, the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases—the benevolent policy of the United States, preferring the augmented expense to the hazard of doing injustice, or to the enforcement of justice against a feeble and untutored people, by means involving or threatening an effusion of blood. I am happy to add that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favor the resumption of the work of civilization, which had made an encouraging progress among some of the tribes; and that the facility is increasing for extending that divided and individual ownership, which exists now in moveable property only, to the soil itself; and of thus establishing, in the culture and improvement of it, the true foundation for a transit from the habits of the savage to the arts and comfort of social life."

President Monroe, in his inaugural address of 1817, says: "With the Indian tribes, it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization."

In his message of December, 1817, he adverts to the purchases of land from several Indian tribes bordering on Lake Erie, by which the Indian title, with the exception of moderate reservations, has been extinguished to the whole of the land within the limits of the State of Ohio, and to a part of that in the Michigan territory and the State of Indiana.

"From the Cherokee tribe, a tract has been purchased in the State of Georgia, and an arrangement made, by which, in exchange for lands beyond the Mississippi, a great part, if not the whole of the land belonging to that tribe eastward of that river, in the States of North Carolina, Georgia, and Tennessee, and in the Alabama territory, will soon be acquired."

The House will remark how far these flattering anticipations are yet from being realized.

The President continues: "The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form and greater force of a civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable; and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know

that the reservations of land made by the treaties with the tribes on Lake Erie, were made with a view to individual ownership among them, and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply all their other wants. It will merit the consideration of Congress, whether other provision, not stipulated by treaty, ought to be made for these tribes, and for the advancement of the liberal and humane policy of the United States towards all the tribes within our limits, and, more particularly, for their improvement in the arts of civilized life."

In the message of 1818, speaking of foreign adventurers among the savages, the President says: "It is to the interference of some of these adventurers, in misrepresenting the claims and titles of the Indians to land, and in practising on their savage propensities, that the Seminole war is principally to be traced."

On the general topic, he remarks, in the same message: "Experience has clearly demonstrated that independent savage communities cannot long exist within the limits of a civilized population. The progress of the latter has almost invariably terminated in the extinction of the former, especially of the tribes belonging to our portion of this hemisphere, among whom loftiness of sentiment and gallantry in action have been conspicuous. To civilize them, and even prevent their extinction, it seems to be indispensable that their independence, as communities, should cease, and that the control of the United States over them should be complete and undisputed. The hunter-state will then be more easily abandoned, and recourse will be had to the acquisition and culture of land, and to other pursuits tending to dissolve the ties which connect them together as a savage community, and to give a new character to every individual. I present this subject to the consideration of Congress, on the presumption that it may be found expedient and practicable to adopt some benevolent provisions having these objects in view, relative to the tribes within our settlements."

In the messages of 1819 and 1820, the passages relative to Indian affairs either do not bear so immediately on this question, or do not present any thing material to be quoted. In his inaugural address of 1821, Mr. Monroe expresses himself thus:

"The care of the Indian tribes within our limits has long been an essential part of our system; but, unfortunately, it has not been executed in a manner to accomplish all the objects intended by it. We have treated them as independent nations, without their having any substantial pretensions to that rank. The distinction has flattered their pride, retarded their improvement, and, in many instances, paved the way to their destruction. The progress of our settlements westward, supported, as they are, by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the magnanimity, and, I may add, on the justice of this nation, which we must all feel. We should become their real benefactors; we should perform the office of their great father, the endearing title which they emphatically give to the Chief Magistrate of our Union. Their sovereignty over territories should cease; in lieu of which, the right of soil should be secured to each individual and his posterity, in competent portions, and, for the territory thus ceded by each tribe, some reasonable equivalent should be granted, to be vested in permanent funds, for the support of civil government over them, and for the education of their children; for their instruction in the arts of husbandry, and to provide sustenance for them until they could provide it for themselves. My earnest hope is that Congress will digest some plan, founded on these principles, with such improvements as their wisdom may suggest, and carry it into effect as soon as it may be practicable."

In the message of 1821 there is nothing of peculiar interest relative to the Indians.

In 1822, the President informs Congress of the abolition of the trading houses, in conformity with the act for that purpose.

In 1823, there is nothing important on this topic.

In 1824, the President informs Congress of some Indian hostilities on the upper Mississippi; of the preservation of pacific relations with the other tribes; and, after remarking upon the schools, pursues the general subject thus:

"The condition of the aborigines within our limits, and especially those who are within the limits of any of the States, merits likewise particular attention. Experience has shown, that, unless the tribes be civilized, they can never be incorporated into our system, in any form whatever. It has likewise shown, that, in the regular augmentation of our population with the extension of our settlements, their situation will become deplorable, if their extinction is not menaced. Some well digested plan, which will rescue them from such calamities, is due to their rights, to the rights of humanity, and to the honor of the nation. Their civilization is indispensable to their safety, and this can be accomplished only by degrees. The process must commence with the infant state, through whom some effect may be wrought on the parental. Difficulties of the most serious character present themselves to the attainment of this very desirable result, on the territory on which they now reside. To remove them from it by force, even with a view to their own security and happiness, would be revolting to humanity, and utterly unjustifiable. Between the limits of our present States and territories, and the Rocky Mountains and Mexico, there is a vast territory to which they might be invited, with inducements which might be successful. It is thought, if that territory should be divided into districts, by previous agreement with the tribes now residing there, and civil governments be established in each, with schools for every branch of instruction in literature and in the arts of civilized life, that all the tribes now within our limits might gradually be drawn there. The execution of this plan would necessarily be attended with expense, and that not inconsiderable; but it is doubted whether any other can be devised, which would be less liable to that objection, or more likely to succeed."

On the 27th January, 1825, Mr. Monroe sent his special message to Congress, on the subject of the Indians, accompanied by the then Secretary of War's plan of colonization. That message and report are comparatively so recent and well known, that he would only quote a short paragraph from each. Mr. Monroe says:

"Experience has clearly demonstrated, that, in their present state, it is impossible to incorporate them, in such masses, in any form, into our system. It has also demonstrated, with equal certainty, that, without a timely anticipation of, and provision against, the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their degradation and extermination will be inevitable."

Mr. Calhoun, in his report, speaking of the southern tribes, says:

"Of the four southern tribes, two of them, the Cherokees and Choctaws, have already allotted to them a tract of country west of the Mississippi. That which has been allotted to the latter, is believed to be sufficiently ample for the whole nation, should they emigrate; and if an arrangement, which is believed not to be impracticable, could be made between them and the Chickasaws, who are their neighbors, and of similar habits and dispositions, it would be sufficient for the accommodation of both. A sufficient country should be reserved to the west of the Cherokees, on the Arkansas, as a means of exchange with those who remain on the east. To the Creeks might be allotted a country between the Arkansas and Canadian

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river, which limits the northern boundary of the Choctaws in that quarter."

On the 3d of February, 1826, Mr. Secretary Barbour's report on the subject of Indian colonization was made.

In 1828, Mr. Adams submitted to Congress his views on this topic; and at the same session was presented Mr. Secretary Porter's report. These he would not now stop particularly to examine. He might advert to them hereafter. Every gentleman, he presumed, had read them, and he would be fully borne out in the assertion that they agreed, substantially, and in principle, with the suggestions of Mr. Monroe and Mr. Calhoun. On these documents, he would offer only one reflection. From the days of Mr. Jefferson to the present, this policy had been steadily kept in view by the Government. It had always been deemed wise, practicable, and just. Why, then, are we told it is new and visionary? that we have not sufficient information on which to act? that the plan has not been duly considered and matured? Have so many eminent men amused themselves by throwing out crude notions to Congress and the people, upon a question so deeply affecting the interests of the Union and the lives and happiness of thousands of their fellow-beings? Have they dared to practise a deception on the country? and has this deception been repeated through four administrations?

Mr. W. said, before he left this part of the subject, he would advert to what had been said as to the supposed opinion of General Washington and his cabinet as to the rights of the Indians, and the policy to be pursued towards them. He, too, had had access to the original documents on the files of the Senate; and he begged leave to quote a part of them, for the purpose of showing that the course adopted was considered as one of expediency chiefly, if not solely.

The paper he should read was a communication from General Knox, the Secretary of War, to the President of the United States, dated 15th June, 1789.

"The United States, having come into the possession of sovereignty, and an extensive territory, must unavoidably be subject to the expenses of such a condition.

"The time has arrived when it is highly expedient that a liberal system of justice should be adopted for the various Indian tribes within the limits of the United States.

"By having recourse to the several Indian treaties made by the authority of Congress since the conclusion of the war with Great Britain, excepting those made, January, 1789, at Fort Harmar, it would appear that Congress were of opinion that the treaty of peace of 1783 absolutely invested them with the fee of all the Indian lands within the limits of the United States; that they had the right to assign or retain such portions as they should judge proper. But it is manifest, from the representations of the confederated Indians, at the Huron village, in December, 1786, that they entertained a different opinion, and that they were the only rightful proprietors of the soil; and it appears, by the resolve of the 2d of July, 1788, that Congress so far conformed to the idea, as to appropriate a sum of money solely to the purpose of extinguishing the Indian claims to lands they had ceded to the United States, and for obtaining regular conveyances of the same. This object was accordingly accomplished at the treaty of Fort Harmar, in January, 1789.

"The principle of the Indian right to the lands they possess being thus conceded, the dignity and interest of the nation will be advanced by making it the basis of the future administration of justice towards the Indian tribes.

"The whole number of Indian warriors, south of the Ohio, and east of the Mississippi, may be estimated at fourteen thousand; those to the northward of the Ohio, and to the southward of the lakes, at about five thousand. In addition to these, the old men, women, and children may be estimated at three for one warrior, the whole amounting to seventy-six thousand souls. It is highly pro-

bable that, by a conciliatory system, the expense of managing the said Indians, and attaching them to the United States, for the next ensuing period of fifty years, may, on an average, cost fifteen thousand dollars annually.

"A system of coercion and oppression, pursued from time to time, for the same period, as the convenience of the United States might dictate, would probably amount to a much greater sum of money. But the blood and injustice which would stain the character of the nation would be beyond all pecuniary calculation.

"As the settlements of the whites shall approach near to the Indian boundaries established by treaties, the game will be diminished, and the lands being valuable to the Indians only as hunting grounds, they will be willing to sell further tracts, for small considerations. By the expiration, therefore, of the above period, it is most probable that the Indians will, by the invariable operation of the causes which have hitherto existed in their intercourse with the whites, be reduced to a very small number."

Mr. W. next adverted to the course of the late administration, on the subject of this Cherokee Government. In October or November, 1827, the commissioners of the United States, General Cocke and Messrs. Davidson and Gray, communicated to Mr. Barbour, Secretary of War, the Cherokee constitution, which they say was formed by white men and half breeds, who fill nearly all the offices, rule the people, and dispose of the annuities at pleasure.*

In their journal, July 7, they state that they learned from Elias Boudinot, that the council adjourned without settling their business amicably, and some of the old Indians were very much dissatisfied, and intended to raise opposition to their new mode of Government, by a constitution.†

On the 26th January, 1828, Governor Forsyth addressed the President, enclosing a copy of the Cherokee constitution, and asked what measures had been taken to prevent the formation of a new Government within the State of Georgia.

On the 21st February, Mr. W. introduced a resolution of inquiry on the same subject. On the 22d it was modified at the suggestion of the honorable gentleman from New York, [Mr. STORRS] and laid on the table at the suggestion of the honorable gentleman from Kentucky, [Mr. WICKLIFFE.] On the 29th the resolution was again modified by the mover, and was then again laid on the table, on the motion of the gentleman from New York, [Mr. STORRS.] On the 3d of March it passed. When the documents in answer to the resolution came in, it appeared, that, on the 23d February, two days after the resolution was introduced, the letter of Mr. Barbour, the Secretary of War, to H. Montgomery, agent for the Cherokees, was written. By this letter the agent was "directed by the President to converse with the chiefs, and inform them that he wishes them distinctly to understand that this act of theirs cannot be viewed in any other light than as regulations of a purely municipal character; and which he wishes them distinctly to understand, will not be recognised as changing any one of the relations under which they stood to the General Government prior to the adoption of said constitution." Among the same documents was communicated a letter from the officer at the head of what has been called the bureau of Indian Affairs, [Col. McKenney] to the Secretary of War, in which he expresses himself thus: "I think it much to be regretted that the idea of sovereignty should have taken such deep hold of these people. It is not possible for them to erect themselves into a state of such independence, and a separate and distinct Government; and the sooner they are enlightened on the subject, I think the better. The most they can ever hope for, if they retain their possessions

* Doc. 1st Sess. 20th Cong. pp. 5, 8, 9.

† Ib. p. 9.

within the States, is to hold them under the laws of the States as citizens."

At the opening of the next session of Congress, President Adams in his message expressed himself thus: "The attention of Congress is particularly invited to that part of the report of the Secretary of War which concerns the existing system of our relations with the Indian tribes. At the establishment of the Federal Government, under the present constitution of the United States, the principle was adopted of considering them as foreign and independent powers, and also as proprietors of lands. They were, moreover, considered as savages, whom it was our policy and our duty to use our influence in converting to christianity, and in bringing within the pale of the constitution."

"As independent powers, we negotiated with them by treaties; as proprietors, we purchased of them all the lands which we could prevail upon them to sell; as brethren of the human race, rude and ignorant, we endeavored to bring them to the knowledge of religion and letters. The ultimate design was to incorporate in our own institutions that portion of them which could be converted to the state of civilization."

"In the practice of European States, before our revolution, they had been considered as children to be governed; as tenants at discretion, to be dispossessed as occasion might require; as hunters, to be indemnified by trifling concessions for removal from the grounds from which their game was extirpated. In changing the system, it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands, than in imparting to them the principles, or inspiring them with the spirit of civilization. But, in appropriating to ourselves their hunting grounds, we have brought upon ourselves the obligation of providing them with subsistence; and when we have had the rare good fortune of teaching them the arts of civilization and the doctrines of christianity, we have unexpectedly found them forming, in the midst of ourselves, communities claiming to be independent of ours, and rivals of sovereignty within the territories of the members of our Union. This state of things requires that a remedy should be provided—a remedy, which, while it shall do justice to those unfortunate children of nature, may secure to the members of our confederation their rights of sovereignty and of soil. As the outline of a project to that effect, the views presented in the report of the Secretary of War are recommended to the consideration of Congress."

Now, sir, [said Mr. W.] if the "rights of sovereignty and soil" in the States were not, in the view of the President, invaded by this state of things, what remedy could be requisite to secure them?

Next, sir, [said Mr. W.] let us refer to Mr. Secretary Porter's report. What does he say? "Nothing can be more clear to one who has marked the progress of population and improvement, and is conversant with the principles of human action, than that these Indians will not be permitted to hold the reservations on which they live within the States, by their present tenure, for any considerable period. If, indeed, they were not disturbed in their possessions by us, it would be impossible for them long to subsist, as they have heretofore done, by the chase, as their game is already so much diminished as to render it frequently necessary to furnish them with provisions in order to save them from starvation. In their present destitute and deplorable condition, and which is constantly growing more helpless, it would seem to be not only the right, but the duty of the Government, to take them under its paternal care, and to exercise over their persons and property the salutary rights and duties of guardianship."

With the purpose of showing how this matter of Indian title and sovereignty had been considered by our courts,

Mr. W. asked leave to refer the House to one or two judicial decisions:

"The United States maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or conquest, and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise."

"It has never been doubted that either the United States or the several States had a clear title to all the lands within the boundary lines described in the treaty of peace of 1783, subject only to the Indian right of occupancy, and that the exclusive power to extinguish that right was vested in that Government which might constitutionally exercise it."

The case of Jackson and Goodell, in New York, had been referred to, and made the subject of much discussion. He took that case to be thus:

Land had been granted by the State to an individual Indian for military services. His Indian heir alienated it to a white man. The supreme court determined that the Indian must be considered a citizen, that his Indian heir took by descent as the heir of a citizen, and that the statutes of the State in restraint of Indian alienations, as they then existed, did not extend to the alienation of an individual Indian conveying land granted to his Indian ancestor for military services.

The court of errors held it was not necessary, to determine the question of citizenship, that the patent was an express legislative grant, enabling the Indian heir to hold. That the laws in restraint of Indian alienation, then in force, extended to individual Indians as well as to tribes. That, if it were necessary to decide the question of citizenship, the Indian could not be deemed a citizen.

There is much speculative reasoning, certainly, on the condition of the Indians: and what is the conclusion? That "they are placed under our protection, and subject to our coercion, so far as the public safety requires, and no further."

If they are admitted to be under the protection, and subject to the coercion of the States, so far as the public safety requires, and the State must be the judge how far that is, which I take to be the meaning of the Chancellor, I do not perceive the wide difference on the point between him and the Chief Justice of the supreme court of New York, who, in delivering the opinion of that court, says: "Their condition has been gradually changing, until they have lost every attribute of sovereignty, and become entirely dependent upon, and subject to our Government."

The Chancellor himself, in his commentaries, declares, "the peculiar character and habits of the Indian nations rendered them incapable of sustaining any other relations with the whites, than that of dependence and pupilage. There was no other way of dealing with them, than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection."

"It is the law of the land," says Chancellor Kent, speaking of the titles derived from conquest and discovery, "and no court of justice can permit the right to be disturbed by speculative reasonings on abstract rights."

Mr. W. said he would offer a remark or two on the Indian intercourse acts. The first act, 22d July, 1790, makes no peculiar provision, with respect to Indians within the jurisdiction of a State.

The second act, 1st March, 1793, provides, section 13: "That nothing in this act shall be construed to prevent any trade or intercourse with the Indians living on lands surrounded by settlements of the citizens of the United States, and being within the jurisdiction of the individual States." The third act, 27th May, 1796, is the same, section 19, except that it reads "ordinary jurisdiction," &c. The fourth act, 3d March, 1799, is the same as the last, as

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is also the act of the 30th March, 1802. These acts the committee of Congress, upon the memorial of Georgia, in 1797, admitted required revision, but alleged it was too late in the session to act upon them.

Let us pause now, [said Mr. W.] and consider for a moment the policy we have pursued towards the Indians, and its consequences. We gave to their cessions of land the formality of bargains, and some of the empty solemnities of treaties.

We established houses of trade among them, at a heavy expense.

We appointed agents and sub-agents, and provided them with missionaries, schoolmasters, and blacksmiths. What have been the consequences? And first as to treaties.

We incurred the expense of assembling and subsisting the Indians, during several ineffectual attempts to treat. By allowing them this show of independence, we flattered the pride and encouraged the obstinacy of the savages, thereby obstructing our own views. We were often compelled to buy the same land over two or three times, from different tribes.

The purchase money was immediately dissipated by the Indians, often before they left the treaty ground.

We were compelled to offer inducements to the chiefs, for their assent to cessions, in the shape of presents, or, as they have been termed, bribes.

This produced dissatisfaction among our own citizens, whose consciences were offended by these practices, though inevitable in all treaties with barbarous nations; and hence no treaty could latterly be negotiated without loud complaints of bribery and fraud.

Next followed the modification of the principle of treaties, contained in the Cherokee treaty of 1817, the Creek treaty of 1826, and the treaty of 1828 with the Cherokees of Arkansas, by which the enrolment of individuals, with their own consent, as emigrants beyond the Mississippi, was provided for, and inducements offered them, similar in character to those in the present bill. Then followed the laws of the pretended Cherokee Government, punishing, with cruel and sanguinary punishments, any who should presume to sell their improvements, emigrate, or treat for a sale of land, or meet United States' commissioners to treat for a cession, according to the ancient and established usages. To these succeeded the law of Georgia, intended merely to meet this state of things, and to punish those who should attempt to punish the native Cherokees, most of whom were willing to emigrate, for the exercise of their own free will.

Next as to trading houses.

They entailed on us a heavy expense—they were liable to great abuses—they lent us little or no aid in maintaining an influence over the Indian tribes.

After a fair trial they were deliberately abolished by Congress.

Then as to the payment of annuities. They have been found of little benefit to the mass of the common Indians. He would refer the House to the testimony of the reverend Mr. McCoy, a gentleman worthy of all credit, and speaking after much experience from his own observation.

"The first item alluded to, of sixty-five thousand two hundred dollars, is the aggregate of annuities paid to those Indians within the district under consideration. There has been a lamentable waste of public treasure upon Indian treaties, and I as confidently assert that there is a lamentable waste of public moneys in Indian annuities. Our Government is not in the habit of taking their lands for nothing. But it is extremely doubtful whether the thousands of dollars, annually paid to the Indians, as matters are, render them any service. My own opinion is, that, all things considered, their annuities render them no service at all, or worse than none. No person could have been more favorably situated for arriving at a just conclusion on this point; being actually among them for nine

years, I am well acquainted with their circumstances both before and after receiving annuities, and declare that I have found no reason for inclining to a different opinion from that just now expressed. I am inclined to believe that there are few, if any, Indian agents who are of a different opinion."

Next as to agents.

Their interest in preserving the present state of things, and often in obstructing the policy of the Government, is apparent. They are frequently under temptations from this interest to neglect or violate their duty. The mischievous effects of this influence, extended over the Indians through the instrumentality of sub-agents, artificers, storekeepers, and other white men, permitted to reside in the nation, were well known. More than one agent had been strongly suspected of using this influence for sinister purposes: he need not particularize. He might appeal to the statement made before the New York Society for aiding the emigration of the Indians, and would ask the attention of the House to another passage in Mr. McCoy's valuable pamphlet.

"It is proper, however, before we dismiss this part of our subject, to observe, that, notwithstanding the preceding remarks, we are well aware of some formidable obstacles to the proposed removal of the Indians. The obstacles to which we allude will not derive either their origin or their support from the Indians themselves, but both will be found in the avarice of white men, near to, or mingling with, the Indians, whose interest it is for the natives to remain where they are, and in their present condition."

"I deeply regret the necessity of mentioning this circumstance; but justice to my subject, to the Indians, and to my own conscience, demands it of me. We may prepare to encounter a host of opposers, consisting of traders, both licensed and unlicensed; many of them speaking the Indian language fluently, and in habits of daily intercourse with them, often allied by marriage, and otherwise by blood; of many others, who profit more or less by a commission from our Government, for the performance of services in the Indian Department. Remove the Indians, and the fountain fails. Some estimate of the difficulties arising from this quarter, may be formed, on considering the influence which the number of those interested persons, under these favorable opportunities, may exert on the minds of these ignorant, uninformed people, whose prejudices against us are generally inveterate, and whose jealousies are ever on the alert; considering, also, that in the transacting of business with the Indians, Government has generally been under the necessity of availing itself of the services of these very persons. The story requires much delicacy in the telling, and, perhaps, has never been, nor will it now be plainly told, that scarce a treaty with the Indians occurs, in which the commissioners of the United States are not obliged to shape some part of it to suit the convenience of some of this class of persons."

Again: As to schools and missionaries.

In speaking of the missionaries, and their representations of the condition and wishes of the Indians, he intended to do justice to the labors and motives of these pious and often disinterested men. That they were often misled, and in their turn contributed much to mislead others, was indisputable. They were often tempted to suppress every unfavorable statement, lest the faithful and charitable should weary in the good work. On this subject he would quote the observations of Mr. McCoy, himself a missionary, and zealously and honestly devoted to the welfare of the Indians.

"Societies and their missionaries should carefully guard against what we might term high coloring. We are naturally fond of telling the more favorable parts of the story, and rather desire the unfavorable parts to sink into oblivion. I could readily point to statements respecting missionary operations, which approximate this character too

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nearly; but I deem it sufficient to mention only this general and undoubted fact, viz. a man in Europe, by reading the whole of our missionary journals, narratives, reports, &c. would be apt to suppose the success of our labors was such, that the aborigines of our country were rapidly improving their condition, both in respect to christianity and civilization. How would such a one be disappointed on visiting these regions, to find, that, instead of improvement in general, they were rapidly decreasing in numbers, and perishing under their accumulated misfortunes."

The testimony of the late Secretary of War, [Gen. PORTER] on this subject, is well worth considering. In his report to President Adams, accompanying the message of December, 1828, he has the following remarks:

"The annual appropriation of ten thousand dollars to the purpose of educating Indian children, and teaching them the mechanic arts, has had the effect to draw to almost every Indian reservation, in addition to the agents and interpreters, a considerable number of missionaries and teachers, with their families, who, having acquired, principally, by the aid of this fund, very comfortable establishments, are unwilling to be deprived of them by the removal of the Indians: and thus we have found, that, while the agents specially employed by the Government for this purpose are engaged in persuading, by profuse distributions of money and presents, the Indians to emigrate, another set of Government agents are operating more secretly, to be sure, but not with less zeal and effect, to prevent such emigration."

"These remarks are not intended as a personal reflection on the missionaries and teachers; much less on the pious and respectable patrons of these benevolent institutions, who, no doubt, are disposed to lend a ready support to every humane measure which the Government may think proper to adopt in favor of these depressed people; but are rather intended to show the natural and unavoidable tendency of the system itself to counteract the leading policy of the Government."

With respect to schools, an extract from Dr. Morse's report would assist us to conjecture how that matter was managed. This is copied from the account of a missionary who visited the school at Elliot, and conversed with the scholars.

"He told them he was going to Jerusalem, to establish schools there. The boys took the hint, and brought him a donation of thirteen dollars for the Palestine mission.

"They obtained the money in this way: When they were out in the field every morning in the week by such a minute, or had committed certain lessons in school, they were entitled to a certain premium, and when they fail they forfeit something. There is, of course, debit and credit. Some had fifty cents to their credit, some more, and some less."

Such were the inducements held out among the Indians to the study of polite literature; yet the savage little urchins, in spite of all their bribes, as he supposed the gentleman from New York [Mr. STORRS] would call them, seemed to have no violent affection for letters, since the Cherokee council had found it necessary to pass laws to prevent their leaving school, and to compel their parents, when they did so, to bring them back.

Mr. W. said, he had extracted from official documents a statement of the whole number of Indians within the United States, which made the number as follows:

Within the States of Maine, Massachusetts, Rhode Island, Connecticut, and Virginia, -	2,573
New York, -	4,820
Pennsylvania, -	300
North Carolina, -	3,100
South Carolina, -	300
Georgia, -	5,000

All the old States, - 15,093

Tennessee, -	1,000
Ohio, -	1,877
Mississippi, -	23,000
Alabama, -	19,000
Louisiana, -	939
Indiana, -	4,050
Illinois, -	5,900
Missouri, -	5,631

All the new States, - 61,397

Peninsula of Michigan, -	9,340
Arkansas, -	7,200
Florida, -	4,000

Within the Territories, excluding from Michigan the country west of Lakes Huron and Michigan, - 20,540

Within the country east of the Mississippi, and north of the Ohio, excluding those in the original States, - 41,367

Within the country east of the Mississippi, north of the State of Illinois, and west of the three upper lakes, - 20,200

Within the country west of the Mississippi, east of the Rocky Mountains, and not included in Louisiana, Mississippi, or Arkansas, - 94,300

In the country east of the Mississippi and south of the Ohio, excluding those in the original States, except North and South Carolina and Georgia, - 56,000

Within the Rocky Mountains, - 20,000

Within the country west of the Mississippi and east of the Rocky Mountains, - 108,070

West of the Rocky Mountains, between lat. 44 and lat. 49, - 80,000

Within the United States, - 313,130

Their condition would best appear from some extracts which he would lay before the House.

"The situation of the Indians, and the operation of the settlement and improvement of the country upon them, are without a parallel in the progress of human society. They have adopted none of the manners and customs of the people who have succeeded them. In the long interval which has elapsed since their first knowledge of the whites, it would be difficult to find a single improvement which has taken place, in their principles, habits, or condition. They have generally retired before the advancing settlements; and, where they have become stationary on tracts secured to them, they have declined as rapidly in morals as in numbers."

"They are essentially hunters, fed and clothed from the products of the chase. The spirit of their institutions, as well as their personal feelings, is opposed to labor: it is a disgraceful employment."

"Judging of the future by the past, we cannot err in anticipating a progressive diminution of their numbers, and their eventual extinction, unless our border should become stationary, and they be removed beyond it; or unless some radical change takes place in the principles of our intercourse with them, which it is easier to hope than expect."

"It is disgraceful for a war party to return without success. But one scalp will redeem them from this reproach. If any enemy cannot be found, it is often taken from a friend; and thus our citizens are always exposed, when travelling in the vicinity of their war paths."

The increase of their wants, arising from contact with civilization, and the gradual destruction of the game, is strongly expressed in the speech of a Pawnee chief to the President.

"There was a time when we did not know the whites. Our wants were then fewer than they are now. We had then seen nothing which we could not get. We could lie down to sleep, and, when we awoke, we found the buffalo

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feeding around our camp; but now we are killing them for their skins, and feeding the wolves with their flesh, to make our children cry over their bones."

Yet, in the same speech, the chief entreats that his tribe may be allowed to continue hunters, and resists the introduction of schools, missionaries, labor, and civilization.

"I am like you, my great father; I love my country, I love my people, I love the manner in which we live, and think myself and warriors brave. Spare me, then, my father, and let me pursue the buffalo and the beaver in our wilderness, and I will trade the skins with your people. I have grown up and lived without work. I hope you will let me die without it.

"It is too soon, my great father, to send those good men among us. We are not starving yet. Let us enjoy the chase until our game is exhausted. Let us destroy the wild animals, before you make us toil, and interrupt our happiness."

Mr. W. said, he came now to consider the condition of the Indians in the old States. The names only of Indian tribes, now extinct, would furnish a long catalogue. They had perished from the operation of natural causes known to every gentleman, and in part well explained by the reviewer, whose production he had already quoted. Their improvidence, their degraded condition, was notorious. They had in many States mingled with the free blacks, and sunk, in all respects, to their level. He referred to Mr. McCoy's remarks, in his pamphlet already mentioned. Speaking of the Indians in the old States, that respectable writer observes: "Those who are pent up by the whites on small reservations, in New England, New York, and Ohio, decline more rapidly in proportion to their numbers, than the tribes farther west, on the frontiers of Michigan, Indiana, and Illinois; and the decline of these latter is more rapid in proportion than those still more remote. Let it be borne in mind, that, wherever we discover a decrease of numbers, we see an increase of calamities."—Page 12. Again, in page 14, he says: "I took the liberty, not long since, of suggesting that the condition of those small bands who are on little reservations in New England, New York, and Ohio, surrounded by white population, is worse than that of those who have more latitude on our frontier. To this remark, I suppose we ought to except something in respect to eating and wearing.

"I presume those small bands live more plentifully for food and raiment, than do the others. But I have no hesitation in repeating that they are more debased in principle, and positively more worthless, than those with whom I am comparing them.

"This sentiment is the result of my own personal observation, as well as of the concurrent testimony of the most authentic information."

If we look to the legislation of those States where they live, we find they are considered spendthrifts and paupers, and treated as such. Guardians are appointed for them, and they are governed as natural and perpetual minors.

Mr. W. would give a sketch of the laws of a few of the old States, taken from the collection made by the Committee on Indian Affairs. These might serve as a specimen. If gentlemen had a curiosity to look into the matter further, they had only to consult the files.

Connecticut appoints an overseer for each tribe; he has the care and management of their lands; they are rendered incapable of contracting. In 1672, *pow-wows* were prohibited, and murder and sabbath-breaking punished. In 1702, an act passed to punish Indians for drunkenness.

Rhode Island renders them incapable of contracting. Suits for trespasses on their lands must be brought by the treasurer of the tribe. If residing in any town, and liable to become chargeable, they may be removed as paupers. They are allowed to take the poor debtor's oath.

Massachusetts enacts that, "what lands any of the Indi-

ans in this jurisdiction have possessed and improved by subduing the same, they have just right unto, according to that in Gen. i, 28, and chap. ix, 1, and Psal. cxv, 16." They are not allowed to sell peltry except to persons appointed by the commonwealth.

None are to buy lands from them; no arms or ammunition, or liquor, to be sold to them.

Foreigners not allowed to trade with them.

In 1693, an act for their better government was passed; commissioners were appointed "to have the inspection, and more particular care and government of the Indians, and to exercise the power of a justice of the peace over them, in all matters civil and criminal, as well for hearing and determining pleas betwixt party and party, and to award execution therein, as for the examining, hearing, and punishing criminal offences, according to the acts and laws of this province, and to nominate constables."

A penalty is denounced for selling liquors to them.

The accusation of an Indian, with other concurring circumstances, amounting to a high presumption, in the discretion of the justices, to be accounted sufficient; unless the party accused will expurgate himself on oath.

Pennsylvania punishes the sale of liquors to them, but provides that the Governor and council, or persons by them authorized to hold treaties with any nation of Indians, may, at such treaties, give any reasonable quantity of rum as by them shall be thought necessary." 1721.

In 1744, the criminal law was extended to them.

Is there any difference between the character of the northern and southern Indians? Look at the Catawbas, sir; between seventy and a hundred individuals, wretched and depraved beyond description, are all that remain of the most generous and formidable of the enemies of the Six Nations! About ten years ago they were computed at four hundred, and they have had secured to them by the State of South Carolina one hundred and forty-four thousand acres of good land, which they were not allowed to alienate.

Mr. W. said he would advert, he could not do more, to the excellent article in the January number of the North American Review, attributed to the pen of a gentleman who had had abundant opportunities for observation, and whose opinions were entitled to the greatest consideration. (Governor Cass.) The whole article was so judicious, that he would be at a loss what to select; and he was conscious he had already trespassed heavily on the patience of the House, but he referred gentlemen to it who really desired information; it would well repay them for the trouble of a perusal.

Mr. W. proceeded to remark upon the actual condition of the Cherokees. These Indians joined the British in the revolutionary war. They were conquered, and peace dictated to them in 1777, when the treaty of Dewitt's corner was made, by which they admitted that they were a conquered people, and ceded all their country east of the Unakoi mountain. They again committed hostilities, and were again conquered in 1783, and terms of peace again dictated to them. It has been already shown that they continued to commit hostilities during the administration of General Washington, and after the treaty of Holston. They are now assumed to be a civilized people, and their constitution and their press are appealed to as evidence of the fact. Their constitution has barbarism distinctly stamped upon it. It is not destined to live. It has the Hippocratic countenance. The ancestral likeness evidently appears.

The fundamental principle is, that the land is to remain common and inalienable. This, of itself, is barbarism. Separate property in land is the basis of civilized society. Have not all the efforts of all our Presidents to civilize the Indians assumed this principle?

This constitution was the work of white men and half breeds. Its object was to throw the power of the tribe, the lands, the offices, the annuities of the tribe, into their hands. Many of the old and full blooded Indians are dis-

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satisfied. By its provisions, every subject emigrating loses caste, and suffers confiscation. The descendants of Africans are excluded from office and citizenship, and all existing laws are continued in force.

Would the House have a specimen of these Cherokee laws? In 1819, it was enacted that the improvements of those who removed to Arkansas, should become the property of those who first took possession of them. In the same year, it was enacted that no white man in the nation should have more than one wife, and it was recommended that Cherokees should content themselves with one. This recommendation was not followed, even by all the civilized Christian Cherokees. He believed it was well ascertained that a celebrated personage there, who had received a classical education, and married a white female of respectable family—he would not give her name or her State—he desired to excite no unpleasant feelings in any gentleman there, or in any State; she was not a Georgian, however—had found it convenient to use the permission of the Cherokee laws, as he had formerly done the money intended by the United States for the Creek Indians—liberally; and the unfortunate female who had imprudently allied herself with him, was so distressed as to have attempted suicide.

What more, sir, in relation to these Cherokee laws?

In 1808, regulators, or light-horse, were appointed, and authorized to execute summary justice, by inflicting one hundred lashes for horse stealing, &c. and to kill any one resisting them.

In 1810, the tribe passed "an act of oblivion for all lives that they may have been indebted to one another."

In the same year, it was enacted "that if a man has a horse stolen, and overtake the thief, and should his anger be so great as to cause him to kill him, let it remain on his own conscience, but no satisfaction shall be required for his life from his relatives or clan he may have belonged to."

Would gentlemen tell him by what evidence such a justification would be made out?

Mr. W. said he would ask the attention of the House to a few more of the Cherokee laws, published by authority in the Cherokee Phoenix.

CHEROKEE LAWS.

Resolved by the National Committee and Council in General Council assembled, That, from and after the passing of this act, any citizen or citizens of this nation, who shall bind themselves, by enrolment, or otherwise, as emigrants to Arkansas, or for the purpose of removing out of the jurisdictional limits of the nation, he, she, or they, enrolling, or otherwise binding themselves, shall forfeit thereby all the rights and privileges he, she, or they may have previously thereto claimed or enjoyed as citizens of this nation, and shall be viewed in the same light as others not entitled to citizenship, and treated accordingly.

Sec. 2. Be it further resolved, That, if any person or persons, citizens of this nation, shall sell or dispose of his, her, or their improvements to any person or persons so enrolled, or otherwise bound, as above mentioned, he, she, or they shall be viewed as having disposed of his, her, or their improvements to a citizen of the United States, and shall be ineligible to hold any office of honor, profit, or trust in this nation, and, upon conviction thereof before any of the circuit courts of the several districts, be fined in a sum not less than one thousand dollars, nor exceeding two thousand dollars, and punished with one hundred lashes.

Sec. 3, to prevent persons from screening themselves from these penalties, provides, that the seller, as well as purchaser, of all improvements, shall make affidavit, to be filed with the clerk of the courts, that such improvements were not purchased or sold for the purpose of being valued, or as agents for emigrants; failing to make such affidavit, incur a penalty not less than one hundred dollars, nor more than two hundred dollars.

Sec. 4. If a citizen disposes of his improvements to a

person who afterwards becomes an emigrant, and, continuing in possession, gets the improvements valued by the United States' agents, he is subjected to the penalties of the second section—two thousand dollars, one hundred lashes. Persons enrolling as emigrants, and not leaving the nation in fifteen days afterwards, are to be treated as intruders.

Sec. 5. Principal chiefs authorized to order the apprehension of intruders, and to deliver them over to the United States, or "to expel or to punish them, or not, as they please."

LEWIS ROSS, *Pres. Nat. Coun.*

GOING SNAKE, *Speaker.*

WM. S. COODY, *Clk. Nat. Coun.*

JOHN RIDGE, *Clk. Nat. Coun.*

October 31, 1829—Approved: JOHN ROSS.

Whereas a law has been in existence for many years, but not committed to writing, that if any citizen or citizens of this nation shall treat and dispose of any lands belonging to this nation, without special permission from the national authorities, he or they shall suffer death: Therefore,

Resolved by the Committee and Council in General Council convened, That any person or persons, who shall, contrary to the will and consent of the Legislative Council of this nation in General Council convened, enter into a treaty with any commissioner of the United States, or any officers instructed for the purpose, and agree to sell or dispose of any part or portion of the national lands defined in the constitution of this nation, he or they so offending, upon conviction before any of the circuit judges or the supreme court, shall suffer death; and any of the circuit judges aforesaid are authorized to call a court for the trial of any such person or persons so transgressing.

Be it further resolved, That any person or persons who shall violate the provisions of this act, and shall refuse, by resistance, to appear at the place designated for trial, or abscond, are hereby declared to be outlaws, and any person or persons, citizens of this nation, may kill him or them, so offending, in any manner most convenient, within the limits of this nation, and shall not be accountable to the laws for the same.

Be it further resolved, Citizens entering into a treaty for any other object than a cession of land, to receive one hundred lashes on the bare back. No treaty to be binding unless ratified by the council, and approved by the principal chief of the nation.

October 27, 1829—Approved: JOHN ROSS.

It was to meet the state of things produced by these Cherokee laws, that the act of Georgia was passed: and the great subject of complaint is, that Georgia will not allow those who choose to emigrate to be whipped, nor the Cherokee men to have as many wives as they please, nor permit them "to kill in any manner most convenient" whoever should attempt to sell any of the lands of the tribe. And for this excellent reason, gentlemen reproach the President with not ordering out the force of the Union to prevent the execution of the laws of Georgia.

What is the scope and spirit of these laws? Simply to restore the full blooded Cherokees, the great bulk of the nation, to their free will, and leave them to decide for themselves whether they will emigrate or not, unawed by the power, and exempted from the cruelty of those who have in fact enslaved them.

The laws of Georgia neither contemplate driving the Cherokees from their lands, nor any other act of injustice or oppression against them.

Sir, what do the very resolutions of the Legislature of the State of Georgia, so much complained of by the honorable gentleman from New York, [Mr. STORAS] and the honorable gentlemen from Connecticut, [Mr. HUNTINGTON and Mr. ELLSWORTH] declare?

Resolved, That if such treaty be held, the President be respectfully requested to instruct the commissioners to lay

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a copy of this report before the Indians in convention, with such comments as may be considered just and proper upon the nature and extent of the Georgia title to the lands in controversy, and the probable consequences which will result from a continued refusal, upon the part of the Indians, to part with those lands: and that the commissioners be also instructed to grant, if they find it absolutely necessary, reserves of land in favor of individual Indians, or inhabitants of the nation, not to exceed one-sixth part of the territory to be acquired, the same to be subject to future purchase by the General Government, for the use of Georgia.

Now, sir, [said Mr. W.] it appears by the official documents, that there are about five thousand Cherokees in Georgia, men, women, and children, full-blooded, whites, half breeds, and slaves; and they have in their occupancy, or rather they lay claim to, about five or six millions of acres of land.

If one-sixth of the land, therefore, was reserved to Indian families, according to the proposal made by Georgia in 1827, it would give to each Indian family of five persons about one thousand acres of land, upon the incredible supposition that not one Indian should choose to emigrate; and there would yet be left to the State of Georgia four or five millions of acres. Now, one thousand acres of land, for each Indian family of five persons, selected, of course, by the Indians themselves, is a tolerably pretty little farm.

He had abstracted from the documents of the last session the quantity of lands held by Indians in several States, and the number of Indians, and the quantity of land to each. It was as follows:

In Ohio, there were one thousand eight hundred and seventy-seven Indians, who held four hundred and nine thousand five hundred and one acres of land, or two hundred and twelve and a half acres each. The United States has extinguished the Indian title to seven million nine hundred and twenty-four thousand four hundred and seventy-one acres of land in that State since 1802.

In Indiana, there were four thousand and fifty Indians, who held five million three hundred and thirty-five thousand six hundred and thirty-two acres of land, or about one thousand three hundred acres each. The Indian title extinguished in that State since 1802 was sixteen million three hundred and thirty thousand and thirty-nine.

In Illinois, there were five thousand nine hundred Indians, who occupied six million four hundred and twenty-four thousand six hundred and forty acres of land, or upwards of one thousand acres each. And the whole Indian title extinguished since 1802 amounted to twenty-nine million five hundred and seventeen thousand two hundred and sixty-two acres.

In Mississippi, there was estimated to be twenty-three thousand four hundred Indians, who held sixteen million eight hundred and eighty-five thousand seven hundred and eighty acres of land, or about seven hundred and thirty acres each; and there had been extinguished since 1802, by the United States, the Indian title to fourteen million one hundred and eighty-eight thousand four hundred and fifty-four acres.

In Louisiana, there were nine hundred and thirty-nine Indians: Indian lands, none; and the United States has extinguished their title since 1802 to two million four hundred and ninety-two thousand acres.

In Alabama, there were nineteen thousand two hundred Indians, who held about nine million five hundred and nineteen thousand and sixty-six acres of land; and the Indian title to twenty-four million four hundred and eighty-two thousand one hundred and sixty-nine acres had been extinguished by the United States since 1802. The average quantity of land remaining to each Indian was four hundred and ninety acres.

In Missouri, there are five thousand six hundred and thirty-one Indians. It does not appear that they hold any lands to which the Indian title has not been extinguished;

and the whole quantity obtained in that State from the Indians, by the United States, is upwards of thirty millions of acres.

In Michigan territory, there were nine thousand three hundred and forty Indians, who still held seven million three hundred and seventy-eight thousand four hundred acres of land; and the quantity ceded to the United States by the Indians since 1802 was seventeen millions; the quantity left to each Indian, about seven hundred and ninety acres.

In Arkansas, the number of Indians was seven thousand two hundred; their lands, four million seven hundred and sixty-one thousand six hundred acres, or about six hundred and sixty acres each; and the Indian title had been extinguished since 1802 to twenty-eight million eight hundred and ninety-nine thousand five hundred and twenty acres.

In Florida, there were four thousand Indians; their lands, four million thirty-two thousand six hundred and forty acres, or about one thousand acres each; and the quantity of land to which Indian title had been extinguished since 1802, not less than fifteen or twenty millions of acres.

Sir, when the colony of Connecticut was complained against, in relation to their treatment of the Indians, what was their defence? I abstract it from the history of that colony, by the reverend Mr. Trumbull. The historian repels the accusation, and insists that the Indians had been treated with kindness; and between four and five thousand acres of land left them to plant on. This, by reference to the number of warriors then existing, and thence computing the numbers of the tribe, was about sixty acres to each individual. The quantity proposed to be allotted by Georgia, in the resolutions of 1827, amounts to about one hundred and eighty-five or one hundred and ninety acres to each individual, at the lowest calculation, probably two hundred acres each, upon the supposition that not one Cherokee would, if left to his free will, emigrate. But it is in vain to say, that, under such circumstances, they would not emigrate. Some of them, doubtless, would take reserves, and stay. The greater number would gladly embrace the opportunity of going. Sir, it is vain for gentlemen to say that the Cherokees do not wish to go. There is one argument which is conclusive: when was it found necessary to punish, by cruel and sanguinary punishments, any people for leaving a country which they had no mind to leave? Have the United States ever found it necessary to denounce punishment on any of their citizens who should attempt to leave their country?

England had, indeed, at one time, deemed it necessary to denounce penalties against her artisans who should leave the kingdom. And why? Because they could get better wages abroad, and, therefore, they would naturally desire to go; and there was supposed to be danger to the interests of England in their transporting their skill and industry elsewhere. But, would any one tell him that it was clear these artisans had no wish to go? The answer is obvious. Why, then, seek to prevent them?

What, then, is the true alternative held out by Georgia to the Cherokees? Do you wish to go to Arkansas? The United States will transport you there; furnish you with lands; subsist you for a year; pay you for your improvements; and give you a bounty beside, according to the terms of the treaty of 1828 with the Cherokees of Arkansas. Do you wish to stay? We do not object to a reserve being assigned you of more land than you can cultivate, and more than is necessary for your comfort and subsistence by cultivation. In either event, your pretended Government shall not maltreat or punish you; but, if you stay, you must stay under the protection, and in obedience to our laws, like other citizens. This, sir, is the whole fact, and nothing more.

But, sir, [said Mr. W.] let us inquire a little further into the civilized condition of these Cherokees, of which their laws afford so good a specimen.

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In 1818, Governor McMinn, United States' commissioner, writing to the Cherokee chiefs, asks them: "Is not the list of murders and robberies pretty near as great within the last twelve months, as the whole period since your nation and ours entered into a treaty of peace?"

Have gentlemen examined the reports of the committees of the House and Senate, and the information and evidence collected and spread upon their tables? If they had, it was inconceivable to him how they could talk of the mass of the Cherokee tribe as civilized! What do the committee, at the head of which is the highly respectable gentleman from Tennessee, [Mr. BELL] who has examined this whole subject with so much patience, industry, and ability, and with so humane and amiable a temper, tell you?

The committee do not mean to exaggerate, either in the statement of facts, as they are believed to exist, or in the deductions which they make from them, as to the future prospects of the Indians. The intelligent observer of their character will confirm all that is predicted of their future condition, when he learns that the maxim, so well established in other places, "that an Indian cannot work," has lost none of its universality in the practice of the Indians of the South; that there, too, the same imprudence and thirst for spirituous liquors attend them, that have been the foes of their happiness elsewhere; that the condition of the common Indian is perceptibly declining, both in the means of subsistence, and the habits necessary to procure them; and that, upon the whole, the mass of the population of the southern Indian tribes are a less respectable order of human beings now, than they were ten years ago."

"The population of the Cherokee nation, east of the Mississippi, may be estimated at about twelve thousand souls. Of these, two hundred and fifty are white men and women, who have married into Indian families. About one thousand two hundred are slaves; and the balance of the population consists of the mixed race and the pure blooded Indians; the former bearing but a small proportion to the latter caste."—p. 22.

Speaking of the new Cherokee Government, they say—

"Humanity would be gratified to find, in the composition of this infant society, and in the operation of the Government established by it, the means of improving and elevating the aboriginal race of the Indians; but the committee are constrained to believe, from the effects of the new institutions, and the sentiments and principles of most of those who have the direction of them, that the Cherokee Indians, of pure blood, as they did not understand the design, so they are not likely to profit by the new order of things. From the time when the maxims and passions of the white men, who settled in the Cherokee country, began to affect the conduct and principles of the leading chiefs, and more especially when the mixed race began to assert its superiority, may be dated the commencement of the deterioration of the mass of the tribe."

Again, sir: "The only tendency yet perceivable in the new institutions, has been to enable those who control them to appropriate the whole resources of the tribe to themselves. For this purpose, they have, in effect, taken the regulation of their trade into their own hands. They appear also to have established something in the nature of a loan office or bank, in which are deposited the funds arising from the annuities payable by the Government of the United States, and these are lent out among themselves and their favorites." "The committee have not been able to learn that the common Indians have shared any part of the annuities of the tribe for many years. The number of those who control the Government, are understood not to exceed twenty-five or thirty persons."

"These, together with their families, and immediate dependents and connexions, may be said to constitute the whole commonwealth, so far as any real advantages can be said to attend the new system of Government. Besides

this class, which embraces all the large fortune-holders, there are about two hundred families, constituting a middle class in the tribe. This class is composed of the Indians of mixed blood, and white men with Indian families. All of them have some property, and may be said to live in some degree of comfort. The committee are not aware that a single Indian of unmixed blood belongs to either of the two higher classes of Cherokees; but they suppose there may be a few such among them. The third class of the free population is composed of Indians, properly so denominated, who, like their brethren of the red race everywhere else, exhibit the same characteristic traits of unconquerable indolence, improvidence, and an inordinate love of ardent spirits. They are the tenants of the wretched huts and villages in the recesses of the mountains and elsewhere, remote from the highways, and the neighborhood of the wealthy and prosperous. This appears to be the class indicated by a native Cherokee letter writer as "the lowest class of peasantry," and which he admits he does not include in his description of the progress of civilization among the Indians. It will be almost incredible to those who have formed their opinions of the condition of the Cherokees from the inflated general accounts found in the public journals of the day, when it is stated that this class constitutes perhaps nineteen out of twenty of the whole number of souls in the Cherokee country. The lowest estimate of their number, which the committee have received from any source entitled to confidence, embraces nine-tenths of the whole. Some portion of the Indians forming this class, are less desponding in their temper, and exhibit a greater degree of energy than the others, in obtaining the means of subsistence; but still this class of Cherokees, as a whole, are believed to approach nearer to a state of absolute destitution than any other Indians of the South, except perhaps the Florida Indians, and a part of the Choctaws. The same causes which have contributed to elevate the character and increase the comforts of the mixed race, have tended to diminish the means of subsistence among the Indians of purer blood. Victims alike to the arts of the worthless white men without, and to the crafty policy of their own rulers within, they have become a naked, miserable, and degraded race. Among the Creeks, what property they have, is more generally distributed; and the spirit of their warriors still exerts a feeble control over the conduct of their chiefs. The Chickasaws find some resources in the large annuities; but the less provident portion of the Cherokees often find themselves reduced to the necessity of relying upon wild fruits, birds, and fish, for the support of life. The moral condition of this class does not appear to compensate in any degree for their deficiency in the means of mere animal existence."

Such is a small part of the testimony afforded by the report of the committee of the House of Representatives.

What does the committee of the Senate say?

"A portion of the Cherokees, equal, as is believed, to from one-third to one-half of the whole, has actually removed to, and settled in a country, well suited to their wants and wishes, west of the Mississippi. There is good reason to believe many more would have removed before this time, except for various causes, which, as yet, the United States have not been able to overcome. The principal one is, the idea of a separate and independent State of their own, where they now live. This is the work, principally, of comparatively a few, who are either white men connected with the nation, who are well educated and intelligent—who have acquired considerable property, and, through the annuities paid by the United States and by other means, are yearly adding to it. This class of people, it is believed, do not altogether equal one hundred in number. A very small portion of full blooded Indians can be named, who are in the like circumstances, or who have much agency in their public affairs.

"Those who are in public employ have an influence, al-

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most unbounded, over the nation. They fill all the offices created by their laws, and have the entire management of the funds derived from every source. The rest of the nation may be divided into two classes. The one owning some small property, and having settlements of their own, upon which they make a sufficiency to support themselves and their families, and but little surplus. Those of the other, comprehending, as is believed, the mass of the population, are as poor and degraded as can well be imagined. They may be said to live without hope of better circumstances; they have almost no property, and seem destitute of the means or prospect of acquiring any. There is very little game in their country. They are without industry, without information, unlettered, and subsisting chiefly upon what they can beg, and upon the birds and fish they can procure. A stranger, who travels along a leading road through the nation, or makes but a short stay in it, will form a very erroneous opinion of the true condition of the great mass of the population: he has intercourse only with those of the first or second class before mentioned, and forms his opinions of all from the condition of those with whom he associates. It may then be asked, why do those people refuse to emigrate? The answer is, those who have influence over them, use every means in their power to prevent them. They misrepresent the country offered west of the Mississippi. They use persuasion while it answers the purpose, and threats when persuasion is likely to fail. The committee are well satisfied that every humane, and benevolent individual, who is anxious for the welfare of the great body of the Cherokees, and is correctly informed of their true condition, must feel desirous for their removal, provided it can be effected with their consent."

Mr. W. said, he was now brought, by the course of his argument, to a consideration of the compact of 1802. The State of Georgia claimed, on the establishment of the independence of the United States, all the lands forming the States of Georgia, Alabama, and Mississippi, with the exception of the small portions of the latter States which formerly belonged to Florida and Louisiana.

The claim was founded on the charter of the proprietary Government, and on royal commissions, after the surrender of the charter to the Crown. Claims were set up by South Carolina and the United States. The conflicting claims of Georgia and South Carolina were adjusted by a convention between them in 1787. The United States recognised, by the treaty with Spain, in the year 1795, the claim of Georgia, having refused, in 1778, a cession from the State, on account of the remoteness of the lands, and of the terms proposed by Georgia.

In April, 1798, Congress passed a law, in relation to the western territory, with a reservation of the rights of Georgia to the jurisdiction and soil. In May, 1800, another act was passed, containing a similar reservation.

In December, 1830, Georgia remonstrated against these acts as a violation of her rights of sovereignty and soil. The compact of 1802 put an end to these disputes. By that compact the United States obtained two States, estimated to contain eighty-six millions of acres. The consideration paid, was one million two hundred and fifty thousand dollars, to be paid out of the sales of the land. The United States also bound themselves to extinguish the Indian title to all lands in Georgia, as soon as it could be done peaceably and on reasonable terms.

What are the advantages the United States have derived from this compact? Two States have been added to the Union. By a statement published by a committee of this House, in 1824, it appeared that at that time upwards of four millions and a half of dollars had been received into the treasury from the sale of these lands, exclusive of the Mississippi stock. Nearly six and a half millions were still due. The lands ceded by the Indians, and unsold, were twenty-seven and a half millions of acres, worth, at the minimum price, thirty-four millions of dollars, and

there were then remaining, as hunting grounds to the Indians, nearly twenty-three millions of acres.

At the last session of Congress, a committee was raised on the subject of distributing the proceeds of the public lands, at the head of which was a distinguished member from Pennsylvania, not now a member of this House, [Mr. STEVENSON.] What did they tell you in their report? After stating the compact of 1802, they say: "As the right of the State of Georgia to this territory was unquestionable, the United States obtained by this grant a clear title, as well of the right of soil as of jurisdiction, to about sixty millions of acres; five of which have been sold for more than twelve millions of dollars; upwards of nine have already been paid into the treasury of the United States. Upwards of fifty millions of acres yet remain to sell."

Mr. W. said, he had obtained from official and authentic document a statement of the progress made by the Government of the United States, since 1802, in extinguishing the Cherokee title in Georgia. At the date of the compact of 1802, the Cherokees held seven million one hundred and fifty-two thousand one hundred and ten acres of land within the limits of Georgia. They have since ceded nine hundred and ninety-five thousand three hundred and ten acres; leaving in the occupancy of their five thousand souls six million one hundred and fifty-six thousand eight hundred acres. The surveys made since the cession, are said to have ascertained the fact that the lands ceded amounted to one million three hundred and forty-nine thousand nine hundred and seven acres, instead of nine hundred and ninety-five thousand three hundred. If so, it would leave five million eight hundred and two thousand two hundred and three acres. But if the cession has, when surveyed, exceeded the quantity computed on the map, the remaining country unceded would probably overrun in the like proportion.

There is a slip of land claimed by the Cherokees as theirs, which the Creeks included in their last cession, of about a million or a million and a half of acres, according as the disputed line shall be settled. In twenty-eight years, then, since the compact of 1802, the United States have only extinguished the Cherokee title in Georgia to about one million of acres out of seven, and, according to their past progress, it will require about two centuries to fulfil their part of a bargain, for which they have already got nine millions of dollars, actually paid into the treasury.

Has this ill success in complying with their obligations to Georgia, resulted from an absolute refusal of the Cherokees to cede? How have the United States succeeded, in the mean time, in extinguishing Cherokee title to lands in other States, when they were under no obligation to do so? I will tell you, sir, and from official documents.

They extinguished since 1802, viz.

by a treaty of 1805, in Alabama	1,612,800
by that of 1806, in Tennessee and Alabama	1,209,600
by that of 1816, March 22d, in South Carolina	261,760
by the same treaty, in Alabama	1,887,360
by that of 1816, October 4, in Alabama	1,395,200
by that of 1819, in North Carolina	1,437,260
by the same treaty, in Tennessee and Alabama	738,560

Total, acres 8,542,540

In that period, then, of twenty-eight years, they, the United States, have found no difficulty in extinguishing the Cherokee title everywhere else but in Georgia, and they have actually obtained for North Carolina, South Carolina, Tennessee, and Alabama, to whom they were under no obligation at all, eight times as much land from the Cherokees, as they did for Georgia, who held their bond, and had given them twelve millions of dollars.

Is this the justice of the United States? Sir, I will not

say the performance of the compact of 1802 has been evaded, shamefully evaded. I will not say that the United States have been guilty of bad faith. But I will say, and I will use no language but that of official documents and records, and of committees of this House, that, if the United States had intended to violate their engagements to Georgia, they could have pursued no policy more conducive to that end than the very policy they have been engaged in since 1802.

Now, sir, it is asked, what would you have? "We promised to extinguish the Indian title as soon as it could be done peaceably and on reasonable terms. All obligations cease when they become impossible. It has become impossible to remove the Indians peaceably and on reasonable terms, and the United States are discharged from their obligations."

This is, in substance, the argument of our adversaries. Georgia asserts a limitation to that doctrine. You are not discharged if the impossibility is of your own creating. If you have gone on to extinguish the Cherokee title everywhere else, you are not discharged. If you or your agents encouraged them to stay, when you ought to have induced them to go, you are not discharged. In the promise to extinguish the Cherokee title, was included, of necessity, a promise not to render that extinguishment impossible.

But it may be said, the Indians have ceded lands elsewhere, because they were willing to leave other States, but not willing to leave Georgia. Perhaps their country is better there, or they are more attached to it. More attached to the neighborhood of these wicked Georgians, who are, as we are told, always annoying them! More attached to the rugged and broken country, where they nearly starve, than to the fertile valleys of Alabama which they surrounded! The thing is incredible in itself, but we have distinct evidence on the subject.

The Cherokee nation or tribe was divided into upper and lower towns.

Between 1804 and 1809, I think about 1807, the lower towns, finding the game exhausted, and being desirous of continuing the hunter's life, applied to President Jefferson, to be allowed to remove west of the Mississippi. The upper towns, which were without the limits of Georgia, at the same time expressed a wish to render their settlements more compact, and gradually to become herdsmen and agriculturists.

A talk with the deputies of the upper and lower towns, delivered by Mr. Jefferson to them in 1809, will be found among the documents communicated to the second session of the fourteenth Congress, from which the following is an extract:

"My children, deputies of the Cherokees of the upper and lower towns:

"I understand, by the speeches which you have delivered me, that there is a difference of disposition among the people of both parts of your nation; some of them desiring to remain on their lands, to betake themselves to agriculture and the industrious occupations of civilized life; while others, retaining their attachment to the hunter's life, and having little game on their present lands, are desirous to remove across the Mississippi, to some of the vacant lands of the United States, where game is abundant. I am pleased to find so many disposed to ensure, by the cultivation of the earth, a plentiful subsistence to their families, and to improve their minds by education; but I do not blame those who, having been brought up from their infancy to the pursuit of game, desire still to follow it to distant countries. I know how difficult it is for men to change the habits in which they have been raised. The United States, my children, are the friends of both parties; and, as far as can reasonably be asked, they will be willing to satisfy the wishes of both. Those who remain may be assured of our patronage, our aid, and good neighbor-

hood. Those who wish to remove are permitted to send an exploring party to reconnoitre the country on the waters of the Arkansas and White rivers; and the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouths of those rivers. The regular districts of the Government of St. Louis are already laid off to the St. Francis river. When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them and you the exchange of that for a just portion of the country they leave, and to a part of which, proportioned to their numbers, they have a right. Every aid towards their removal, and what will be necessary for them there, will then be freely administered to them, and, when established in their new settlements, we shall still consider them as our children, give them the benefit of exchanging their peltries for what they will want at our factories, and always hold them firmly by the hand."

A provisional arrangement was made by Mr. Jefferson with the towns, in virtue of which a census was to be taken: those who removed were to have lands assigned them in Arkansas, and a quantity equivalent to that assigned them was to be given up to Georgia. Their ratable proportion of the annuities was also to be allowed them. These are the measures referred to in Mr. Jefferson's message to Congress in 1808, as then in contemplation. This arrangement was made the basis of the treaty of 1817, delayed probably by the intervening embarrassments of the country. If this arrangement, and the treaty of 1817, had been faithfully executed in their true spirit, you would not now be troubled with this part of the discussion. About six thousand Cherokees did emigrate to Arkansas. They did not ride in coaches there, to be sure: neither did they starve; nor have the other Indians massacred them; nor did they attack the white settlements; nor was the treasury ruined by the expense of their removal. Those were days of economy, too, sir. There they now are; and, by all we can learn, quite as well or better off than the bulk of their countrymen in Georgia.

Well, sir, measures were taken, from time to time, professedly for the purpose of assigning lands to that part of the nation which emigrated, for taking a census, and assigning its proper portion of the annuities to each, for extinguishing the Indian title within the limits of Georgia, to an extent equivalent to the cessions made in Arkansas.

Impediments arose; claims were set up by other Indians to the Arkansas lands; their limits and quantity were unascertained. The remaining Cherokees claimed to be the nation exclusively. They denied the right of the Arkansas Cherokees to any part of the annuities of the tribe. They claimed the lands left by the emigrating party as the common property of the part remaining, which they alleged to be, in truth, the nation. With the persons thus in fact usurping the name and powers of the Cherokee tribe, the treaty of 1819 was formed, undoing nearly all that had been done. How it was viewed by the lower towns, will appear by their letters to, and conference with, the present President of the United States, in 1822, and particularly their letter to General Carroll, which is as follows:

"DEAR SIR: We, the undersigned, chiefs of the Creek Path towns, in the said Cherokee nation, beg your attention, a short time, to read a few lines addressed to you from your red brethren, the Creek Path people. You are no stranger to the services we rendered you in time of the Creek war, when we were under the command of General Jackson. At that time we had Colonel Richard Brown, our beloved chief, for our leader; but he is now no more, and it is us that feel the effects to our sorrow. While he was yet alive, we had a representative in our national councils; but since his death we have none, nor cannot be heard, and for no other reason than this: About the summer of 1817, General Jackson being appointed by the

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United States to hold a conference with the Cherokees, at Turkey Town, on Coosa river, for the purpose of extinguishing part or all the Cherokee claim of land, but did not, at that time, get his ends accomplished. Some time after this, Governor McMinn was appointed commissioner to conclude said treaty at Hiwassee, when we fully understood our country was to be given up as a part of said cession; but, finally, they did not treat with Governor McMinn, and appointed a delegation altogether from the upper part of the nation, giving us no chance to be heard at all. These went on to the federal city, and made a treaty to please themselves, which made them and their friends all rich, by getting money and reservations of six hundred and forty acres of the best lands in all the country; in the mean time, getting rights in fee simple for all their relations, (a great part boys and women,) that never had been of any service to their country, and leaving men out who have been of essential service to the United States, such as Captain John Thompson, for one, whom you were well acquainted with during the war. True it is, some of us did enrol our names as Arkansas emigrants, not knowing but our lands were sold at the same time; and finding, shortly after, they were not, we sat still on our farms that we had made, thinking no one had a better right than we who made them. Nevertheless, we plainly see there is no peace for us on this side the Mississippi. Therefore, we have sent our long tried friend, Captain James Reed, to you, for the purpose of getting you to use your influence with the General Government, and your State members in Congress, for us, the Creek Path people, to have privilege to sell our own part of the country, at a reasonable price, to the United States, and for us to reap the benefit of the proceeds of the sales, to enable us to move away in peace, well knowing the United States is not bound to furnish us with any thing, without an equivalent, to defray the expense in removing away. We are not able to move without we can have that privilege. The upper chiefs are now in council, as we understand, for the purpose of selling all the Cherokee lands in the chartered limits of the State of Georgia. The next will be ours, if they can. Our request is a reasonable one. We only want from the mouth of Short creek down, which is only eight miles above Deposit, on Tennessee river; then to Coffee's bluff; then, with the crooked line that General Coffee run, for the express purpose of favoring the Creek Path people, otherwise it would have been Government land before this time.

"The bearer can give you full information on the subject, having lived among us for several years.

"In confidence, we conclude, and remain your respectful brothers, as long as we live.

[Signed]

WASSAUCY,

SPEAKER,

GEORGE FIELDS,

GEORGE GESS,

JAMES SPENCER,

YOUNG WOLF,

JOHN THOMPSON, *Interpreter.*"

Some idea may be formed of the proceedings of part of the tribe to defeat or evade the execution of the treaty of 1817, by a reference to the official documents of that day. For the purpose of showing these, and the threats held out against such of the Indians as should emigrate, or attempt to emigrate, Mr. W. begged leave to read an abstract of Governor McMinn's correspondence, as United States' commissioner, with the Cherokees, in 1818.

He tells them, the treaty of 1817 had its foundation in their own application to President Jefferson, in 1809, for leave to exchange their own country, in which game was exhausted, for a country west of the Mississippi.

He submits to them the choice, under the treaty, of removing west of the Mississippi, or remaining on reservations, and becoming citizens of the United States.

He reminds them that the Secretary of War has told them they deserve the severest censure; that, after the ratification of the treaty, resistance to its fair execution can be considered little short of hostility; that threats offered to those who choose to emigrate, or take reservations, cannot be allowed; that such measures are in open violation of the treaty, and will in their final event avail them nothing; that the United States will not permit the treaty to be defeated by such means.

He tells them it is vain for the Cherokees to hold the high tone which they do about their independence as a nation: for daily proof is exhibited, that their existence is preserved by the protecting arm of the United States.

He tells them the United States cannot protect them in their present condition, and concludes by saying: "Your people, as well as others, must become industrious from necessity, for none ever will be so from choice; and the greater space they have to occupy, the greater will be their inducements to idleness."

In a subsequent communication, he calls on them to disavow, in suitable terms, the improper interference of their officers in opposing the execution of the treaty, and to decree in future that it shall be criminal in their officers and citizens to use violence or threats against the property or persons of those who had removed, or wish to remove, beyond the Mississippi.

In another, he expresses his astonishment at their conduct, and traces it to their having been taught to believe, as their council expressed themselves at Oostonaally, "we consider ourselves as a free and distinct nation, and that the United States have no police over us, further than a friendly intercourse in trade."

The Indians, in their concluding letter, decline making provisions for taking the census, and refuse to enact the laws proposed for the protection of the emigrants.

It appears, in the course of that correspondence, that every obstacle was thrown in the way of the execution of the treaty of 1817, by the Indians. One of the plans laid for this purpose, was "that the Cherokee light-horse should wrest the property from the emigrants, which should be given to them by the United States, and apply it to debts contracted by them in the year past."

The commissioner's firmness defeated this scheme. He threatened to consider it as an act of hostility against the United States, and punish it accordingly.

Mr. W. next read an extract from Governor McMinn's correspondence in 1818, 7th July: letter to Secretary of War.

"The council, in answer to me, say, they disavow the right of reservations being made, except on the lands ceded at the treaty; but, to their countrymen, they openly denounce the penalty to be death; the literal fulfilment of which many of them believe in with as much certainty as the christian in his God. Were it not for these declarations, I should be able to enrol for emigration nearly the whole nation."

To obviate these restraints, he told them, the United States stand pledged to protect the emigrants to Arkansas: "yet so completely are they under the control of Hicks and others, that those who have given me assurances of their going to the West, dare not even look at me, or speak to me, unless after night; and then they would keep themselves concealed in the grass and bushes, as if in the lands of their enemies."

Mr. W. quoted an abstract from the correspondence of Messrs. Campbell and Meriwether, United States' commissioners, with the Cherokees, in 1823. They tell them, that "If they cherish the idea of independence and self-government (within the States), the sooner it is corrected, the better. The United States will not permit it. While they are within the limits of the States, the State sovereignty must prevail, and they must become merged in the white population, and take the standing of individual citizens.

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The Secretary of War, J. C. Calhoun, in his letter, 30th January, 1824, tells the Cherokees:

"You must be sensible that it will be impossible for you to remain for any length of time in your present situation, as a distinct society or nation, within the limits of Georgia or any other State. Such a community is incompatible with our system, and must yield to it. Surrounded as you are by the people of the several States, you must either cease to be a distinct community, and become, at no distant period, a part of the State within whose limits you are, or remove beyond the limits of any State."

"The Cherokees reply that they will cede no more land." "They recommend the United States to indemnify Georgia, by ceding Florida to her;" "and that they cannot recognise the sovereignty of any State within the limits of their territory."

"In the letter of the Georgia delegation in Congress to the President of the United States, dated March 10, 1824, they ask, 'how has it happened that the Cherokees of the upper towns, most of whom were without the limits of Georgia, and who desired to be permanently fixed on the lands upon which they then lived, were induced in 1819 to abandon their designs, and many of them to become inhabitants of the region beyond the Mississippi; while the Cherokees of the lower towns, most of them within the State of Georgia, anxiously desiring to remove in 1817, were in 1819 tempted to remain, and were filled with the desire of a permanent establishment there?'"

Mr. W. continued:

The character of the legislation of Georgia has been objected to. Sir, no State in the Union has exhibited more regard for the lives, liberty, and property of the Indians, than Georgia.

As early as 1774, the murder of an Indian was made as penal as the murder of a white man. Rescuing a prisoner committed for such a crime, is made felony.

In 1783, when the land office was opened, surveys made on Indian lands were declared to be void. Twenty shillings an acre penalty was imposed for making such surveys: upon an average, about three times as much as the value of the land.

The act of 1785 contained similar provisions. By the act of 1787, persons making such surveys were subjected to corporal punishment, not less than one hundred nor more than five hundred lashes for the first offence, and the second was made felony. So the law stands to this day. All the land acts contain provisions securing the Indian hunting grounds.

The act extending the laws of Georgia, so much complained of, contains no disabilities, imposes no hardships. They are put upon the footing of citizens; they are not taxed. The proposal to tax was rejected, lest it should be supposed that there was a determination to sell their lands upon the non-payment of the tax. Georgia forbore to include them in her census, and thereby swell her representative population, which she might have done agreeably to the constitution, simply because, by including them as "Indians taxed," she might be accused of using taxation as an instrument of oppression.

The provision, with respect to Indian evidence, had been well explained by his eloquent friend and colleague, [Mr. Forsyth] in another body; certain he was, that any gentleman who had the pleasure of hearing that explanation, must be perfectly satisfied. That provision of the act was, in truth, a relaxation of the common law rule of evidence. By what form of adjuration will you bind the conscience of an Indian? Will you swear him on the Old or the New Testament, on the Koran or the Shaster? Sir, he believes in none of these. Under what circumstances does he conceive himself under an obligation to tell the truth, and nothing but the truth? After his conjurors have performed their superstitious rites, and he has drank the black drink, and assembled at the council fire, then, and

not till then, does he come under that obligation. Then, and not till then, has he invoked the vengeance of his deities upon the guilt of perjury. Sir, can you perform these ceremonies in a court of justice? Can such a man be made a witness there?

But it is said that these Indians are christians: a few, a very few of them may be so; and there was, in his mind, no doubt that the just point of discrimination would speedily be seized by the Legislature of the State of Georgia. But as to the christianity of the mass of the Cherokees, he asked leave to quote the testimony of a witness who would be allowed competent, even by the gentleman from Massachusetts, [Mr. EVERETT] and the gentlemen from Connecticut: [Messrs. ELLSWORTH and HUNTINGTON] he spoke of the reverend Mr. EVARTS; and the passage he should quote was to be found in the appendix to the reverend Dr. Morse's report.

"Notwithstanding these encouraging appearances, however, it is not to be disguised that many things still remaining among the Cherokees, are greatly to be deplored. Much poverty and wretchedness, several gross vices, particularly drunkenness, and an almost total ignorance of God, his law, and the plan of salvation."

These are the men, all of whom are worthy to be witnesses, and this is the witness who has been called to testify in their favor!

Mr. W. said he would offer a few reflections on the subject of State legislation over the Indians.

The strong necessity there exists of providing for their government, is proved by the universal practice. Every one of the old States, except Georgia, subjected the savages to their laws, as soon as they could do it with safety. Georgia has been the last, because the conduct of the Government of the United States fastened, for a longer time, a greater number of Indians on her territory. In confirmation of this, he referred to pages 5, 8, and 9 of Mr. Bell's report, and the compilation of State and colonial laws relative to the Indians, published by order of the House. He did not advert to those laws at present for any other purpose than to prove the fact of legislation. How—in what spirit—for what purpose, was a matter for those who passed them, not for him. The fact undoubtedly was, that, while the Indians were strong, the sword gave the law: when they became weak, the law assumed the sword. No State, no colony, no christian community had ever recognised their perfect and entire sovereignty. They have always been held dependent on the christian nation which claimed the country they inhabit. They are not allowed to treat with foreign nations. They do not coin money. They cannot be said to send ambassadors. They have no freedom of commerce. They cannot be said to have a regular form of Government or system of laws. The punishment of crimes is generally left to private vengeance. The practice of acquiring or extinguishing their occupancy of the soil, was established and continued as a matter of convenience and expediency, not of right. Even the right of making war, which seems to have been left them as a relic of incurable barbarism, which could not be restrained without punishing them for murder, was once proposed to be taken from them, by such benevolent and pious individuals as those who now rely upon the possession of that very power as a proof of Indian independence.

In the fifth annual report of the United Foreign Missionary Society, the war then raging between the Osages and the Cherokees of Arkansas is adverted to, and the failure of a bill reported in Congress, empowering the President to suppress Indian wars by military force, lamented.

The subject States of the Roman empire, to which Vattel denies the character of nations, were much better entitled to assert it than the Indians. What does he consider as the *indicia* of sovereignty? Property in the soil incident to permanent occupancy, division, and cultivation; the right to make peace and war, contract alliances,

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coin money, regulate trade, sell lands, punish crimes committed in their territory, &c.

If they are sovereign, upon what principle does a power to regulate our commerce with them, in our own constitution, authorize us to interdict their commerce with foreign powers? Upon what principles do we execute our revenue laws, our crime acts, our intercourse laws, and our laws against the slave trade in their territory? Upon what principle do we draw by our tariff some half a million of dollars annually, taken from the fruits of their labor in the chase, and levied on their necessities of life?

If it were proposed now, as it was by General Washington in 1791, to establish a free port for the Indians upon the Appalachicola, would the gentlemen who are such strenuous advocates for Indian rights, agree to it? Would Indians have a right to hold slaves within a State where slavery was prohibited? Could they proclaim freedom to all who touched their soil, in a State where slavery exists? Could you not seize Africans illegally imported into the Indian country? Sir, it has been done.

This mockery of sovereignty—this phantom of independence—this idle pageantry of a distinct Government within the limits of the States, has long been regarded in its true light. He referred to all the messages and documents already quoted, and to the correspondence of General Jackson with the War Department in 1821. The Cherokees were long since admonished that it must cease.

In addition to the letter of Col. McKenney to the Secretary of War, already quoted, Mr. W. said he might refer to the opinion of Mr. Attorney General Wirt, upon the pretension set up by the Cherokee council to regulate their own trade, in which that pretension was resisted.

Mr. W. next considered the character of the different portions of the Cherokee population.

White citizens, and their descendants. Can those men shake off their allegiance, by entering the Cherokee hunting grounds?

Are not the children of citizens born on our soil, citizens? Would they not be liable by our laws to the penalties of treason?—of bigamy? Sir, questions eminently practical must arise out of this state of things.

Questions of inheritance. White men have, in some instances, abandoned their white families, settled among the Indians, married Indian women, and acquired, by marriage or otherwise, large personal estates. By the Indian law, it is understood the children by the last wife take all.

Questions must also arise out of the pursuit of fugitives and slaves.

Questions about the recovery of debts. By the Indian law, as it appears by the report of Governors Cass and Clark, all debts not paid within the year are considered dead debts; and an Indian feels himself under no obligation to pay them. This mode of liquidation would usually find favor on one side of the contract only.

Looking at all these topics, Mr. W. asked, which of the States—what christian nation, if such a community was set down in their territory to-morrow, would hesitate a moment about the wisdom, justice, propriety, and necessity of executing their laws upon it?

In short, sir, there seems no escape from the conclusion of a learned and eminent chief justice of New York. "I know of no half-way doctrine on this subject. We have either an exclusive jurisdiction, pervading every part of the State, including the territory held by those Indians, or we have no jurisdiction over them whilst acting within their reservations."

Mr. W. said he would here say something of the complaints of Georgia.

At one time the Legislature and the people of that State are represented as sanctioning, by their acquiescence, every thing the United States have done.

At another they are charged with clamorous impatience and unreasonable discontent.

It is denied that they are justly liable to either censure.

The treaty of Hopewell was protested against as "a manifest and direct attempt to violate the retained sovereignty and legislative right of the State, and repugnant to the principles and harmony of the Federal Union; in as much as the aforesaid commissioners did attempt to exercise powers that are not delegated by the respective States to the United States in Congress assembled."

This protest is dated 11th February, 1786, and is now on your table.

The State of North Carolina, also, protested against that treaty, and her protest, also, has been reprinted at this session.

The State of Georgia, also, protested against the treaties of New York and of Coleraine, and against the intercourse act in 1797; that representation and remonstrance is, also, before the House.

Sir, at every step, Georgia has asserted her rights, and warned the Government of the United States of their infraction of them.

Now, sir, as to the reasonableness or unreasonableness of them. The United States, by the treaty of New York, actually re-ceded to the Creeks a whole county in Georgia; and, by their treaties with the Cherokees, what was called Wafford's settlement; which tracts of country had previously been ceded to the State by the Indians.

These were among the subjects of complaint and remonstrance. Well, sir, what did the committee to which the remonstrance of 1797 was referred, report? I have that report before me, and will submit it to the House.

"That a certain tract of country, within the limits of the State of Georgia, bounded by a line beginning at the fork of the Oconee and Oakmulgee rivers, and thence running in a south-west direction until it intersects the most southern part of St. Mary's river; thence, down the said river, to the old line, was ceded by the Creek nation of Indians to the said State, by a treaty held between the commissioners of said State, and of the Creek Indians at Galphinton, on the 12th of November, 1785; which tract of country was, by the Legislature of the said State, formed into a county, by the name of Tallassee county; and the cession thereof was afterwards confirmed, at a treaty held between the same parties, at Shoulderbone, on the 3d day of November, 1786.

"Your committee further report, That, by the treaty made at New York, between the United States and the Creek Indians, bearing date on the 7th of August, 1790, a boundary line was established between the said nation of Indians and the United States, whereby the above described tract of country, named Tallassee county, was declared to be within the Indian territory.

"The committee have not been able to discover upon what principles this relinquishment of the territory of the State of Georgia was assented to on the part of the United States. It is therefore to be presumed that it was done upon principles of general policy, with the intention of establishing a permanent peace between the United States and the said nation. They are therefore of opinion that compensation ought to be made to the State of Georgia for the loss of this territory, and recommend to the House to adopt the following resolution:

"Resolved, That the United States will make compensation to the State of Georgia for the loss and damage sustained by that State, in consequence of the cession of the county of Tallassee, made to the Creek nation by the treaty of New York, unless it shall be deemed expedient to extinguish the Indian title to the said land.

"Your committee have paid particular attention to that part of the memorial which relates to the operation of the intercourse laws, and are of opinion that part of that law requires revision and explanation; but, on account of the advanced period of the session, and the variety of important business now before the House, they recommend that such

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revisal be postponed until the next meeting of the Legislature."

In the compact of 1802, what do the United States admit? They say, sir, in the fourth clause of the first article:

"That the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained, on reasonable terms, the Indian title to the county of Tallassee, to the lands left out by the line drawn with the Creeks, in the year 1798, which had been previously granted by the State of Georgia; both of which tracts had formerly been yielded by the Indians," &c.

Now, sir, how was it with respect to the treaties of Galphinton and Shoulderbone, made by the savages with Georgia in 1783 and 1786? The Indians complained of these treaties. Commissioners were appointed by the United States to investigate the complaints of the Indians, and the fairness of the treaties made by Georgia. These commissioners were among the most distinguished men of their day: they were Gen. Benjamin Lincoln, Col. David Humphreys, and Cyrus Griffin, formerly President of Congress. What did they report?

"The commissioners beg leave further to report, that, after the most accurate investigation in their power to make, after consulting the best documents, and having recourse to credible depositions, they are unable to discover but that the treaty of Augusta, in 1783, the treaty of Galphinton, 1785, and the treaty of Shoulderbone, 1786, were all of them conducted with as full and authorized representations, with as much substantial form and good faith, as Indian treaties have usually been conducted, or perhaps can be, when one of the contracting parties is destitute of the benefit of enlightened society; that the lands in question did, of right, belong to the lower Creeks as their hunting grounds; have been ceded by them to the State of Georgia for a valuable consideration, and were possessed and cultivated some years without any claim or molestation by any part of the Creek nation."

Such, sir, is a specimen of the unreasonableness of the complaints of Georgia.

Then came the compact of 1802. The mode in which that contract has been attempted to be executed or evaded, on the part of the United States, has been examined; and I ask any honest, candid, dispassionate man, after looking at these facts, to answer me, upon his honor, this question: Has Georgia no reason to complain?

The arrangements of Mr. Jefferson with the Cherokees, in 1807 and 1809, and the treaty of 1817, held out to us the delusive hope that the just expectations of Georgia were at last to be fulfilled. The Cherokees within our limits were willing to go; they had applied to be allowed to go. Six thousand had gone. When, suddenly, without any just, reasonable, or assignable cause, they are made to stay, the treaty of 1817 is abandoned, and that of 1819 substituted. Sir, had not the delegation from Georgia a right to ask, "How has it happened?"

Sir, that question has not yet been answered. It never will be answered. The people of Georgia indeed have their own conjectures how it happened. But I am not going into that matter now.

The gentleman from Massachusetts [Mr. BATES] had enumerated, among the complaints of the people of Georgia, in the memorial against the intercourse act of 1797, that it restrained them from killing an Indian when they pleased. The gentleman seemed to suppose, or wished others to suppose, it was one of the customary amusements of the country. Was not the gentleman apprised that, as early as 1774, Georgia, by her laws, had made the murder of an Indian as penal as the murder of a white man? But the character and temper of that gentleman's remarks seemed to have one object—exasperation. So far as he [Mr. W.] was concerned, they would not produce any such effect. The party who has the worst of an argu-

ment, is usually the first to lose his temper; and, if so, the gentleman was clearly in the wrong. The gentleman was very lavish in his censures—contrary to all maxims of political economy, as he feared it would procure no adequate return. The gentleman was very much shocked at what Georgia had done. Mr. W. would tell him what Georgia had not done. She had never offered a premium for Indian scalps. She had never given a bounty for raising dogs to hunt the Indians. She had never declared that an Indian tribe, by their hostilities, had committed treason, and forfeited their lands.

If such things had been done, the gentleman from Massachusetts could perhaps tell who did them. Had it really escaped the penetration of the gentleman, that the complaint of Georgia against the intercourse act was, that it violated the constitutional rights of the State, and was a usurpation of authority on the part of the Federal Government? Whether well or ill founded, this was the subject of remonstrance.

Mr. W. said he did not intend to follow the honorable gentleman from Massachusetts, [Mr. EVERETT] who preceded him, through the course of his argument, but hoped he might be indulged with one or two observations. The gentleman was willing to vote millions, without number, to effect the object of removing the Indians peaceably, and with their own consent, and complying with the admitted obligations of the United States to Georgia, if it could be done without a violation of national faith, and a due regard to humanity. And yet the gentleman entered into a minute, and, as Mr. W. thought, an exaggerated calculation of the expense, as if to terrify gentlemen who might be less liberal than himself. He complained that it was proposed to remove the Indians "not in carriages, nor on horseback, but on foot." Did the gentleman really imagine he could get one Indian in ten to enter a carriage? If the gentleman desired they should be furnished with post-coaches, that, too, would have been a fair item in his estimate of expenditure.

Sir, the gentleman from Massachusetts wished to find himself under a moral necessity to vote for this measure. He has not been able to find that necessity now, though he found it some years since, in 1826, when he voted for the appropriations to assist certain Indian tribes to emigrate west of the Mississippi, according to the provisions of the Creek treaty. [Here Mr. EVERETT asked Mr. W., in a low tone, "And who voted against that bill?"] Mr. W. said he would tell the gentleman from Massachusetts, since he had asked the question. Nearly all the Georgia delegation. And why, sir? Georgia affirmed the validity of the treaty of the Indian Springs, and denied that of the treaty of Washington; and the then Executive of the United States had intimated the necessity of using the military power of the United States to coerce Georgia to submission. Sir, this roused the feelings of the people of Georgia to a state of which I presume the gentleman from Massachusetts has no idea; but he may perhaps form some, when I tell him I have seen the mother teaching to her child, as the first prattle of infancy, the then watchword of the State rights party, Troup and the treaty!

Sir, I beg pardon for being moved a moment from my philosophy, by the question of the gentleman from Massachusetts. That controversy is decided. The people have passed upon it. I do not desire to revive it now, and here. But if the gentleman has been able to find, in the vote of the then delegation of Georgia, any other motives than those I have mentioned, he has discovered more than was ever known to them or their constituents.

Sir, [said Mr. W.] we have heard the most contradictory arguments on this subject, in the course, sometimes, of the same speech. At one moment we are shocked with the intelligence that we are going to send the poor Indians into a sterile and inhospitable wilderness, or rather desert, to perish; the next, we are about to concentrate

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formidable bands of furious and savage warriors, to desolate our frontiers, and become allies of Great Britain and Mexico. Now, we hear that the country is without wood or water, and utterly uninhabitable; and, anon, that this is a plan to check the progress of our western settlements, and to prevent the springing up of new States and flourishing cities west of the Mississippi. Sir, all these arguments cannot be sound, for they destroy each other.

But the race of Indians will perish! Yes, sir! The Indians of this continent, like all other men, savage or civilized, must perish. They must perish, whether they remain upon this, or remove to the other side of the Mississippi. Would gentlemen have them immortal upon earth? Upon what people—upon what individual has heaven, in its wrath, pronounced so cruel a malediction? What is history but the obituary of nations? Where is Carthage? and Tyre? and Sidon? and Nineveh? and Babylon? Where are the aboriginals who were driven out or massacred by the forefathers of these Indians? Where are those countless empires whose names are lost, or whose existence and destruction are only proved by ruins of their works, or fragments of their records or their language? Gone, sir! Falling or fallen into that abyss which awaits man and all his marvels. Aye! and the moral of their story, though told by Tasso and by Byron, is better told by one word, and that word, oblivion.

Whose fate do we lament? The present generation of Indians? They will perish like the present generation of white men. Is it distant generations? Sir, if the race perishes, those distant generations will never be born. And if it were possible to perpetuate the race of Indians, what would be the consequence? Why, that a hundred or a thousand fold the number of white men would not be born, because the Indians would roam over and possess, without enjoying, the land which must afford the future whites subsistence. And if our far-sighted, prospective humanity must weep over distant contingent generations, is it not as fair a subject of grief to lament the millions of whites who never will exist, in the one case, as the thousands of Indians who will not receive life, in the other?

But, before we indulge our tears at the extinction of the Indian race, let us inquire what it is we lament. Let us, if we can, analyze our own ideas.

When gentlemen talk of preserving the Indians, what is it that they mean to preserve? Is it their mode of life? No. You intend to convert them from hunters to agriculturists or herdsmen. Is it their barbarous laws and customs? No. You propose to furnish them with a code, and prevail upon them to adopt habits like your own. Their language? No. You intend to supersede their imperfect jargon, by teaching them your own rich, copious, energetic tongue. Their religion? No. You intend to convert them from their miserable and horrible superstitions to the mild and cheering doctrines of christianity.

What is it, then, that constitutes Indian individuality—the identity of that race which gentlemen are so anxious to preserve? Is it the more copper color of the skin, which marks them—according to our prejudices, at least—an inferior—a conquered—a degraded race?

Sir, I use the ideas of one who has seen and written well and much on this subject: I would use his language, if it was at hand.

But, alas! the Indians melt away before the white man, like snow before the sun! Well, sir! Would you keep the snow and lose the sun!

It is the order of nature we exclaim against. Jacob will forever obtain the inheritance of Esau. We cannot alter the laws of Providence, as we read them in the experience of ages.

The earth was given for labor, and to labor it belongs. The gift was not to the red, or to the white, but to the human race—and the inscription was, to the wisest—the bravest—to virtue—and to industry!

Mr. TEST, of Indiana, rose, and said, that, after so protracted a debate, he was not at all inclined to detain the House by the discussion of topics which had before been presented to its consideration; and though the subject is of the highest importance to the country, not only in relation to its financial concerns, but to its honor, its justice, and national character, yet I should, [said he] under any other circumstances but those in which I find myself placed, have been contented with giving a silent vote. But, sir, my situation is peculiar; the bill under consideration has passed the Senate, and both the Senators from the State which I have the honor in part to represent, have found it their duty to give it their support. Both my colleagues, too, I understand, have expressed opinions favorable to it, and, besides this, the Legislature of my State has recommended the removal of the Indians, upon just and liberal principles. Under those embarrassing circumstances do I find myself, while I feel that I am, at the same time, bound in conscience, in honor, and in justice, to raise my voice against it.

In relation to the recommendation of the Legislature of the State, I know they would never recommend to me to do a thing that was not entirely consistent with the interest, the honor, and dignity of the country; and I feel assured, that if this question were presented to them in the same form it is to me, they would decide upon it as I have done. Sir, I have looked at the wrong side of this question; I have been led to distrust my own judgment, labored to see if I could not bring my mind to a different conclusion from that to which it has arrived, but all in vain. I cannot reconcile it with my duty to sustain the bill, notwithstanding the many powerful motives to do so, and my duty I cannot postpone for any consideration under heaven. Sir, I can see no benefit which is to result to the country from the passage of this bill, while I cannot avoid seeing the irretrievable ruin into which it plunges that unhappy race who are the subjects of its operations. And here, sir, I beg leave to remark, once for all, that I cannot help thinking my colleagues are laboring under the impression that this bill is calculated to serve the purpose of extinguishing the Indian title to lands in our own State: it is not so; it does not answer us at all. The bill only authorizes the President to exchange lands beyond the Mississippi, for lands on this side; it does not authorize him to extinguish the Indian title in any other way than by an exchange of lands with them; and the truth is, the Indians within our own State, I understand, do not desire an exchange of lands; they have lands beyond the Mississippi; a part of them have already gone there, and those remaining desire to dispose of their claims for money, and property such as may be suitable for them, in order that they may go and join their brothers in that country. All they ask is a fair price for their possessions, and they are not only willing but anxious to go. This measure is calculated more particularly to affect the southern Indians in Mississippi, Alabama, and Georgia. I have thought it proper to say this much of the peculiar attitude in which I stand in relation to the question now under consideration. I have, therefore, thought it my duty to render the reasons which govern me in this case, notwithstanding the value of the time of the House. I could, it is true, have given them in the domestic forum; but the immense interests involved, and the vast consequences to result from the measure, not only to the present generation of the aborigines, but perhaps to millions yet unborn, have induced me to offer them here, although I can scarcely hope to change a single vote. Therefore, without further introduction, I will endeavor to present to the House my views of the subject, according to the order in which I have considered it.

The first thing that strikes the mind in the case, is, its novelty. The Government, ever since its establishment, has viewed those Indians in the light of sovereign communities, and treated with them as such. In all our intercourse

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with them for fifty or sixty years, we have negotiated and dealt with them as independent sovereignties, without a single exception; but this bill now proposes to change our policy, and throw all these tribes of Indians into the hands of the President of the United States, to be bargained with like individuals or petty corporations; no treaty is contemplated by the bill, no convention with them as a nation, but a door is to be thrown open, by which you can approach every individual of the tribe, and make a separate bargain with him for his little improvement. More of this, however, when I come to examine particularly the principles of the bill. But I would ask, sir, why is it now necessary to change our policy towards those sons of the forest? what has produced this necessity? Will not the Indians agree to sell their lands? and must they be had at any rate, and by any means? Is it necessary to descend to making individual contracts instead of national ones? If you cannot obtain the consent of the nation to dispose of its domain, is it right and just to tamper with individuals of it, and thereby weaken its power, by distracting its councils, setting its members at war among themselves, creating strife, feuds, and separate interests, in order to accomplish in this manner what you could not by fair and honorable treaties? Sir, I have said that our policy of treating with the Indians as sovereign communities has been settled ever since the establishment of our independence; and, sir, I will say further, it has had the sanction of all the distinguished statesmen and patriots from the revolution down to the present day. General Washington and his cabinet solemnly recognised the principle, as appears by the document read to the Committee of the Whole by the honorable gentleman from New York, [Mr. STORAS.] Alexander Hamilton, the elder John Adams, Mr. Jefferson, Mr. Madison, Mr. Monroe, and John Q. Adams, have all maintained the same opinion; and, sir, the American people recognise the same principle at this moment, nor will they ever sanction any other so long as the Indians remain a distinct and separate race of men. Sir, our policy in relation to them may not have been the best that could be adopted, yet it was the best that our ancestors at that time could conceive of. I must confess I never have myself believed our policy the best that could be; but, such as it is, the Indians have accustomed themselves to it, and have acted under it, until it has so mingled itself with their institutions, as to now form the basis of their national code with the white man. I have been inclined to think it was not the best, not because I could readily devise a better, but because it has not answered the end for which it was intended, that is, their civilization; and probably, indeed, none that could be devised would answer that purpose. The Indians have believed us sincere, that we intended to act upon those principles in good faith, that we really viewed them in the light of sovereign communities, and intended to treat them as such. And, sir, what is their surprise, when, all at once, the curtain is drawn aside, the veil cast off, and they see themselves exposed to the rude approach of obtrusive power? What, sir, must be their surprise when they are now told that these treaties, these national engagements are but solemn mockeries, political farces, "mere devices, intended by the Government more for effect upon their minds, than with an intention of being carried into execution," for such is the language of the Committee on Indian Affairs, as stated in their report to this House.

Sir, I have in my hand a report of a committee of the old federal Congress, dated 1787, in which the question of the sovereignty of the Indian tribes is most solemnly settled. It seems that after the treaty of Hopewell, in 1785, with the Cherokees, the State of Georgia, at the same time that she remonstrated against that treaty, took upon herself to treat with the Indians; and after having got into difficulties, and when threatened with a war by them, she called upon the Congress to protect her against their tomahawks and scalping knives. And, sir, what was their lan-

guage to Georgia on that occasion? It was, in substance, this, "that so long as Georgia meddled and tampered with the Indians herself, and would not acknowledge the exclusive right of the United States to treat with them as sovereign communities, they could not think of interfering in their quarrels." I beg leave, sir, to quote a few passages from that document of the old Congress. It is there said "that there is a circumstance far more embarrassing," and that is, the clause in the confederation "relative to managing all affairs with the Indians, &c. is differently construed by Congress, and the two States (meaning North Carolina and Georgia) within whose limits the said tribes and disputed lands are: the construction contended for by these States, if right, appears to the committee to leave the federal powers in this case a mere nullity; North Carolina has undertaken to assign lands to the Cherokees, and Georgia has proceeded to treat with the Creeks concerning peace, lands, and the objects usually the principal ones, in almost every treaty with the Indians." It is further said in that document, "The laws of the State can have no effect upon a tribe of Indians or their lands within the limits of their State." "It cannot be supposed that the State has the powers mentioned." But it is said, "that the way to avoid those difficulties is to concede to Congress the exclusive management of all affairs with the Cherokees and Creeks, and other independent tribes within the limits of the said States—so that Congress may have the acknowledged power of regulating trade, and making treaties with those tribes—that Congress, however, can never employ the forces of the Union in any cause, the justice of which they are not fully informed and convinced, nor constitutionally interfere in behalf of the State against any such independent tribe, but on the principle that Congress shall have the whole direction of the war, and settling of all the terms of peace with such Indian tribes." This, then, appears to have been the settled opinion of Congress so long ago as 1787, and they have acted upon that principle ever since. Georgia conceded the power to Congress then, and has acknowledged it in more emphatical terms since, by requiring of them, in 1802, when she made her cession of lands, to extinguish the title of the Indians to the remainder within her own territorial limits. Sir, I have other evidence of the justness of the principles that the Indians are sovereign communities within the limits of the lands upon which they reside. The honorable gentleman in the other House, who is at the head of the Committee on Indian Affairs, [Mr. WHITE, of Tennessee] and who presented to the Senate the very bill under consideration, gave an opinion on this point some years ago, in which he proves incontestibly that they are sovereign nations; and that opinion, too, was given to the Indians themselves, on a question presented to him, by them, for his decision, under circumstances, too, which required the exercise of all his candor, all his justice, his talents, his integrity, and his philanthropy. And I have no hesitation in saying he did exercise all those virtues in an eminent degree in giving that opinion, for such was the force of his reasoning on the subject, that he put even scepticism itself to the blush. Indeed, a very distinguished statesman, now a member of the other branch of this Legislature, told me that he had had his doubts about the matter until he read that learned opinion, after which it was impossible to doubt for a moment. Now, sir, that honorable gentleman has reversed his opinion, and at this time sanctions all the doctrines of Georgia upon this point, and has consented to bring in this bill and advocate it.

I appeal, sir, to the solemn acts of the now Chief Magistrate of the Union. When acting under the solemn obligations of an oath to support the constitution of the United States, he himself entered into several treaties with the Indians, acknowledging their sovereignty and independence. And, what is remarkable, in the year 1817, in July, Andrew Jackson, now President of the United States,

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Governor McMinn, of Tennessee, and Mr. Merriwether, of Georgia, negotiated a treaty with those very Cherokee Indians, in which they expressly confirm all the treaties heretofore between them, and declare that they shall forever be entitled to all the rights and immunities granted by the same. Sir, what does this treaty, entered into with them by the Chief Magistrate, guaranty to those Indians? Why, sir, it guaranties "that if any white man residing among them shall commit a murder, or other capital crime, he shall be by them delivered up to be punished by the whites." Not that the laws of Georgia shall extend over them, and punish him and them. "That if any citizen of the United States, or person under their protection, shall commit a robbery, murder, or other crime on an Indian, he shall be punished in the same manner as if he had committed the offence on a white man, and the Indians may attend and see him punished if they will." That if any citizen of the United States shall settle or attempt to settle on the Indian lands, and will not remove on due notice, he forfeits the protection of the United States, and the Indians may punish him as they please." "No white man, without the consent of the Indians, or a license from the United States, is allowed to go into or upon the Indian lands. It is further stipulated, "that the Indians nor whites shall resort to the law of retaliation, except for a gross or manifest violation of the treaties, and then they are to give notice, and, if the grievance is not redressed by the whites, they are to declare war before either party shall retaliate." And, sir, in this treaty, there is the following provision, "that the United States solemnly guaranty to the Indians all their lands, and engage to protect them against all intrusions, not only of all other Indians, but against the whites likewise." These are the solemn treaty provisions now subsisting between the United States and the Indians proposed to be removed by the provisions of this bill, and solemn treaty provisions entered into with them by Andrew Jackson himself, the President of the United States. And what is the language now held out to these poor Indians by this same President of the United States? In a talk which he held with the Creeks last spring, he tells them, "where you are now, you and my white children are too near to each other to live in harmony, your game is destroyed, and many of your people will not work; your father has provided you a country over the Mississippi river, and I advise you to go to it. In that country your father the President promises to protect you, to feed you, and to shield you from all harm; where you now live, your white brothers have always claimed the land. The land beyond the Mississippi belongs to the President, and none else." "My white children in Alabama have extended their laws over your country; if you remain in it, you must be subject to their laws." Sir, this is the language held to those poor Indians by the President of the United States, after those solemn treaty engagements he has entered into with them himself. "You live too near the whites," "you had better go away." "Alabama has always owned your land, I cannot protect you; if you live there, you must submit to the laws of Alabama, you must not expect me to interfere."

The Indians are enjoying a good country solemnly guarantied to them by the United States. Alabama, deeply interested in securing the country to herself, they are to be delivered up to her to pass what onerous laws she pleases over them; they, poor wretches, must submit to her laws, whatever they may be, or remove away into a wilderness they know nothing of. Is this leaving them at their own will to go or stay? Is this holding out to them the terms they had a right to expect under the solemn pledges of the Government? Sir, it is not the language of the nation; it is the last thing I will believe of my country, that she will forfeit her solemn pledges, her sacred honor. It is the last thing I will believe, that she will deliver up to persons deeply interested in their extinction, the ex-

piring remnant of a poor, miserable class of beings, who have been lulled into a hope of safety by her promises of protection. Sir, I make no charge against any State or community of men. Alabama and Georgia are both high-minded, honorable States, and might do the Indians much more justice than even the United States, for aught I know; but it is the principle I condemn; it is forfeiting our solemn engagements; it is delivering those poor wretches into the hands of persons interested in their destruction, with whom they have no engagements for safety. It is withdrawing from them that protection which they had a right to expect from this Government. It is a violation of our solemn pledges, and a forfeiture of our sacred honor as a nation, which I can never consent to. Sir, I digress from the point I was considering: I will return.

After this, shall it be said that these treaties are nullities, "mere devices, intended more to operate upon the minds of the Indians than to be carried into effect?" Sir, this is a strange language for any man to hold, and more particularly for an honorable committee of this House; but if we pass this bill, it becomes the language of the nation: I will never consent thus to degrade my country. If these great sacrifices are to be made, some more yielding spirit than mine must be found. Sir, let us now examine a little the principles upon which this doctrine is founded; the situation we place ourselves in, in relation to our rights and the rights of the Indians. In what relation do the Indians stand to the United States, and what to the several States? May they be considered as sovereign communities without the limits of a State, and not within? Suppose we admit that position, what is the conclusion? Why, that the United States must treat with them for their lands if they reside without the limits of any State. They are, in that situation, allowed to contract alliances, declare war, and make peace—they own the soil, and it must be got of them by conquest or purchase. But the Congress have a right to admit new States into the Union; and when the territory upon which they reside comes to be admitted into the Union, their relations change like magic, and quick as lightning they lose their sovereignty, are at once rendered dependent on the State, taken out of the friendly care of Congress, and become amalgamated with the mass of citizens of the State, whose sovereignty happens to be thrown over them. They have been neither bought nor sold, nor have they consented, and yet they have been changed in a moment from the savage to the citizen. If this doctrine be correct, we have expended some thirty or forty millions of money very foolishly. We have nothing to do but to lay out the whole Indian territory into States, and the lands all become our own, unless you say the sovereignty of the States operates upon the person and not upon the property, which would be a glaring solecism. What is sovereignty? It is that power and dominion which man has over all created things—there is nothing which it does not operate upon. It grasps the ocean and the earth, the whale in the ocean, and the ant that creeps upon the ground. It extends to the lives, liberties, and fortunes of all those over whom it exerts its influence. It is that, and that only, which gives the tenure by which nations hold the property they possess. It is that, and that only, which gives them a name and a being as a nation. Without it, they are but a heterogeneous mass of individuals, destitute of power and without rights. They can neither take, hold, possess, or exercise authority over any thing. Under this view of the subject, if you strip the Indians of their sovereignty, they can have nothing; you have no need to purchase their lands, they belong to you; indeed, without admitting them that power, they cannot sell you their lands, for that is all that makes them nations. How then stands the case with Georgia? She claims the soil when the Indian title is extinguished, and claims it justly, too; her right thus far is admitted. Now, if it be true that the Indians within her borders are not sovereign communities,

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why, they cannot hold the lands, and she has them without money and without price, and she has not only the lands, but she has the Indians also. She is a sovereign State beyond all doubt, and, as such, has a right to exercise the power. The Indians have no title but what they claim from being a sovereign community; and if they be not that, why, they are her citizens or they are aliens or slaves, and so have no title whatever in the soil to extinguish. Aliens can hold property as well as citizens, slaves cannot; but it will not be pretended the Indians are the latter, and, if they were, the result would be the same, for their masters would be the rightful owners of all they possessed; and if they be aliens, Georgia would possess their property so far as she was entitled to do so by virtue of her sovereign power. And such being the state of the case, Georgia can have no claim upon the United States, and the passage of this bill, as to her, would be perfectly nugatory.

Take another view of the case. If she has a right to extend her laws over the Indians, it must be because they have no rights as a nation—that must be admitted. They cannot own the soil as individuals, for they can have no individual rights; and, if they had, the United States never undertook to extinguish the rights of individuals. Georgia, by extending her laws over them, makes them her citizens, or they are aliens, as before observed: and the United States never undertook to extinguish the title of either her citizens, or of the aliens residing within or without her jurisdiction, and under her control. That title which the United States undertook to extinguish, was that which the Indians held as a sovereign community, not as citizens or aliens of Georgia. If Georgia really has the power to extend her laws over them, and make them her citizens, why, by that very act, she does all the United States undertook to do for her, and of course can have no claim upon them. She has taken the matter into her own hands, and has relieved them from all responsibility. What, then, is the necessity of passing this act?—for its operations will be confined pretty much to Georgia, unless you carry the doctrine to the extent I have before suggested: and, even then, it will be useless—for if, really, Alabama and Mississippi possess the power they contend for, and do actually extend their laws over the Indians, they must become citizens of those States—and all their disabilities as nations attach, and all their rights as citizens accrue; so that, if they owned the lands before as nations, taking away their character as such puts it out of the power of Congress to treat with them, and they either own the lands as individuals, and the United States have no right to take them from them, or they have no title at all, and the United States, or Alabama and Mississippi, own them: and if the doctrine contended for by the President of the United States be true, who does really own the soil in the new States—the General Government, or the States? This question might bring the General and State Governments into collision about the soil, which it would be a very dangerous one to raise. But let it belong to whom it may, the question with Georgia is settled, and, likewise, the question about the necessity of this bill; for, in any such state of the case, the Indian title, as such, is extinguished. Nothing is more clear than that fact; for the United States have certainly no authority to make purchase of large bodies of land of the citizens of a State, or of a State itself. Congress can only purchase lands for national purposes, such as are either expressed or implied in the grants of the constitution, for erecting forts, arsenals, dockyards, and other needful buildings, or for roads, canals, or other necessary means of defence. If we admit the principle that Congress can purchase of the citizens, or a State itself, a part of the lands of a State, for any other than mere national purposes, and hold them, we must admit the right to purchase all the lands, and so make its citizens vassals to the General Government; and if they may purchase one State, they may purchase all, and, by that means, consolidate the States into one great empire;

which would not entirely suit the notions of those who stickle so much for State rights. And, sir, however this kind of doctrine may comport with the views of the present administration, it will never suit the people.

Sir, there is another light in which this subject may be viewed, and which clearly extinguishes all claim Georgia has upon the United States in relation to those lands, if her doctrine be correct. The compact entered into by the United States with Georgia, when she ceded her wild lands within the State, was, that the Indian title should be extinguished “as soon as it could be done peaceably, and on reasonable terms.” Sir, what was the consideration for this arrangement? It was the cession of the lands by Georgia. What was the reason for the undertaking, on the part of the United States? It was, because it was considered, by both parties, that Georgia had not the power, under the constitution, to treat with the Indians for their lands, or indeed for any thing else belonging to them; because, by the constitution, the sole and exclusive power of regulating commerce with the Indians is given to Congress. But Georgia declares that all those treaties made by the General Government with the Indians are nullities—that they had no power or authority to make such—that she has a right to extend her laws over the Indians, convert them into her citizens, and so place it beyond the power of this Government to make treaties with them at all; and, of course, unable to comply with its stipulation—and which, if really true, the Government has undertaken to do a thing not within the range of its power—and so the stipulation is perfectly null and void. Hence, sir, in whatever light you view this nullifying doctrine, it leads to the same result. If Alabama, Georgia, and Mississippi be right in their construction of the constitution, and the treaties made with the Indians under it, why, then, there is no necessity for this law, unless, indeed, it be intended to deal with individuals among the Indians for their lands and improvements; and that will be conceding what is altogether contrary to any principle in the laws of nations. It would be conceding that individuals acquire rights by virtue of their national sovereignty, separate and distinct from their private rights as citizens—and that the Government may purchase of them those rights so acquired: for it will not be contended that the United States can purchase individual titles of private citizens, except it be for national purposes. What, sir, would Georgia say, if a proposition were gravely made in this House, to purchase of her citizens all the lands within her limits? I am inclined to think it would be rejected by her representatives as promptly as a proposition to increase the tariff, or that of a project of internal improvement. If, then, the Indians are her citizens, as the gentleman from Georgia who last spoke, [Mr. WILKE] contends they are—for he says they might tax them, and claim a representation for them in this House—we can make no treaties with them, and this bill is useless. So much I have thought it right to say, upon principles and precedent. Let me now inquire a little into the expediency and justice of the measure.

Sir, I took occasion to remark, in a digression that I made, that we had been in the habit of treating the Indians as distinct and sovereign communities since the first organization of the Government—that all the sages and patriots of the republic, from its foundation to the present administration, had done so. Now, sir, what have we done, and how stands the case? In 1783, '91, '95, and every year since, we have told those Indians, we will protect you—you shall live under your own laws—no white man shall step his foot upon your soil—your lines shall be marked—and if a white man intrudes upon you, you may punish him as you please, and we will hold him as being without our protection. Those treaties have been renewed—they now subsist and are in full force. The national faith and the national honor are all pledged for their support and maintenance. Nay, the very same person who now holds in his hands the national prerogative, has himself sanctioned the

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doctrine, and renewed all the pledges, while acting under other functionalities of the Government. And now, sir, since he has been elevated to the lofty station which he holds, he has reversed all these solemn decrees. He now holds a very different language. He tells the poor savage, I cannot protect you—you must submit to the laws of the States, or you must march to the wilderness: you must seek in the desert that repose which is denied you here. Georgia is a sovereign State—I cannot undertake to control her: she must do as she pleases with you. If I were to attempt to control her, she might do something injurious to us, and ruinous to you. Sir, this is a language the poor Indian never heard before from this Government, and never had a right to expect to hear. Nor is this an overdrawn picture: it is short of the truth. I need not refer to the book containing the language: I hold it in my hand; it is on every gentleman's table in this House.

To understand the true situation of these Indians, it will be necessary to go a little more minutely into the case. It will be necessary to examine the principles of this bill, the nature of the laws of Georgia and of the other States, which have been brought to bear upon them. In 1802, Georgia made a cession of a part of what she claimed as her territory, to the United States. In that compact, the Government undertook to extinguish all the Indian title to lands lying within the bounds of the State, "as soon as it could be done peaceably, and on reasonable terms." These are the words of the compact: "The United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be, peaceably obtained, on reasonable terms, the lands, &c." Observe, the lands were to be obtained as soon as they could be, "peaceably, and on reasonable terms." We were not to go to war with the Indians for them; we were not to violate treaties; we were not to trample upon established principles, or tear up the foundation of a settled policy the Government was pledged to maintain. Nor was it to be done at all events; it was to be done on reasonable terms, or not at all: clearly showing that the United States did not feel themselves at liberty to fall upon the Indians, and drive them from the country, right or wrong—and showing, as clearly, that Georgia was not authorized to do so; and, at the same time, conceding to the United States a power she did not claim herself, that is, the power of making treaties with the Indians. If the Government were bound, at all events, to extinguish the Indian title to the lands, why those qualifying words, "when it can be done peaceably, and on reasonable terms?" If Georgia had been competent to treat with the Indians, why not do so? Why stipulate with the United States to do it? or, if her right to extend her laws over the Indians was clear, why make any stipulation with the United States? Sir, Georgia had no idea, at that time, that she had the right, or the power, to do either the one or the other. And, sir, I will venture to say, that neither Georgia, Alabama, or Mississippi would ever have ventured upon that bold experiment, if President Jackson had not told them that they had the right and power to do so: for it will be recollected that it was last spring that General Jackson had the talk with the Indians, in which he told them he could not protect them against the intrusions of those States; and it was not till this last winter and the present spring, that those States took upon themselves to extend their laws over the Indians within their borders. I say, it is evident they were emboldened to do so by the language which General Jackson held toward those Indians; for they never had before presumed to do so, nor until he had announced to these tribes that the protection of the United States should be withdrawn from them; thereby inviting the States to do what they did. And, sir, it is not a little remarkable that this language of renunciation should be proclaimed to the Cherokee Indians by General Jackson, after negotiating with them the treaty he did in 1817. It is admitted, in the preamble to that treaty,

that their object is to "divide or separate the nation (the Cherokees) into two parties—one to remain where they are, they having made much more progress than their brethren toward civilization, and being disposed to pursue the arts of husbandry, quit the hunter's life, and—to establish among themselves fixed laws and a regular form of Government;" the other party retaining more of the Indian character, being disposed to pursue the hunter's life; and the game becoming scarce where they are, they propose to sell their lands in that place to their white brethren, and remove over the Mississippi; and the President of the United States having consented to their proposition, and assigned them a piece of land in the wilderness, the nation there stipulate, the one party, "that they will remain, establish for themselves fixed laws and a regular form of Government"—the other party, that they will leave their possessions on this side the Mississippi to their white brethren, and go to the country they have chosen beyond." In that treaty this solemn, humane, and benevolent language is held by General Jackson to the nation. After reciting the promises of the President to aid them in removing to the country they had chosen, it is stipulated, "that whereas the Cherokees, relying upon the promises of the President of the United States, they did make choice of a country, and did settle themselves down upon the United States' lands, and have sent on their agents to make a treaty, therefore, know ye, that in order to carry into full effect these promises of the President, and to promote a continuation of friendship with their brothers," go on to establish and conclude the various articles that follow; and, among the rest, the one heretofore recited, confirming and acknowledging, with both parts of the nation, the continuance, "in full force, of all treaties between them;" and it is particularly stipulated in this treaty, "that if any of the Cherokees on the east side of the Mississippi shall desire to become citizens of the United States, and they shall make known that desire, each head of a family shall have laid off to him six hundred and forty acres of land, to remain to him for life, with remainder in fee simple to his children." Here, sir, is a treaty entered into with the Cherokees by General Jackson, now President of the United States, and a distinguished citizen of the State of Georgia, by and with the consent of Georgia: those distinguished gentlemen acting under the solemn obligations of an oath to support the constitution of the United States making a treaty with the Cherokee Indians, a large portion of whom reside in Georgia; which, in its solemn stipulations, recognises the following facts: "that the Indians who remain on this side of the Mississippi, either in Georgia or Alabama, are not citizens of the United States," because it provides for their becoming such: that they have the right, and intend "to establish fixed laws for themselves, and a regular form of Government, and to remain there, pursuing the arts of husbandry under fixed laws and a regular form of Government of their own," separate, distinct, and independent of the United States, of Georgia, of Alabama, and of all the world. I say that it is not a little remarkable that, after those solemn engagements, recognising these high sovereign rights, they should be told by General Jackson himself, holding in his hand the power and prerogative of a mighty nation, that they could not be maintained in them; that they must go to the desert, or yield to the encroachments of the States in which they reside.

How far these Cherokees have lived up to their professions in favor of civilized life—of their intentions to abandon that of the hunters, and pursue the arts of husbandry—the gentleman from Massachusetts [Mr. EVERETT] has told us. He has given us a schedule of their slaves, their horses, their cattle, their farming utensils, together with a statement of their churches, their public houses, their mills, their workshops, &c. I ask you, then, sir, if it comports with the dignity, the honor, and the justice of this great repub-

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lic, to throw these people from your protection, and abandon them to those with whom they have no stipulations for protection and safety, and tell them, in the language of the report of the Committee on Indian Affairs, that all this parade about treaties "is a mere device, intended only to operate upon their minds, without any intention of being carried into effect." Would it be honorable to coerce these people to leave their homes, guaranteed to them by so many solemn pledges of your country, to wander again to the wilderness—again to degenerate into barbarism, almost as soon as the light of civilization has begun to dawn upon their benighted minds? Sir, it would not. But we are told, this bill does not coerce them. True, it does not array against them fire and sword; it does not propose using physical force—but, sir, does it not, combined with other circumstances, lay them under an irresistible compulsion? Let us examine the operations of the bill, in conjunction with the laws of Georgia, Alabama, and Mississippi, which have been extended over them.

The first prominent feature in this bill, and which must strike every man the moment he casts his eye upon it, is this, that it proposes to withdraw from the Senate their revisory power over the treaties and compacts entered into by the President of the United States. The whole burden of this business is to be thrown into his hands, to be disposed of according to his discretion. No treaty is to be made in form; the bill declares "the President may lay off the districts of land;" "the President may exchange lands;" the President shall do, and shall cause to be done," every thing proposed by the bill. The Senate have yielded themselves into the hands of the Executive, to dispose of no one knows how much of the public lands, but surely not less than one hundred millions of acres, and, besides that, not less than twenty millions of public moneys, and all this without any check or control from any quarter whatever. This enormous sum of money is to be disbursed under his discretion, by such persons as he may think proper to appoint, and who are answerable to him alone. All those vast contracts are to be carried into execution by men appointed solely by the President, without consulting any power, save his own. If a petty officer of the Government, without pay or responsibility, is to be permanently appointed, the President has to ask the advice and consent of the Senate; but here, sir, one hundred, and, for what I know, or any one else, one thousand will be appointed, for the disbursement of some twenty millions of dollars of public money, subject only to the will and control of the Executive. If, sir, I had the most implicit confidence in the discretion, the energy, and firmness of the President, I would withhold from him this vast power and patronage. It is possible he may make some improvident appointments, as we have undeniable evidence that he has done in some instances, who may make some very onerous contracts; but the moment they are made, they are binding upon the Government, and you will have to appropriate money for their payment, because the nation is pledged to do so. Where is this vast scheme to end? Seventy or eighty thousand Indians are to be removed across the Mississippi, and no principle established upon which it is to be done, except what may be devised by the Executive within the provisions of a loose and indefinite bill. I ask again, sir, if it were intended to consult the feelings of the Indians upon the occasion, why was it necessary to withdraw the subject from the treaty-making power? Why was it necessary to throw the whole in the hands of the Executive, without, at least, consulting his constitutional advisers (the Senate)? He ought to have, in an affair of so much importance, the counsel of the whole nation.

Sir, I have another insuperable objection to this bill, and one that it is impossible for me to reconcile with the duty I owe to myself. I believe those Indians are sovereign communities, at least so far as to render it necessary to hold treaties with them, as with other powers, and not

mere compacts, as with individuals. The language of the constitution is express "that Congress shall have power to regulate commerce with foreign nations, among the several States, and with the Indian tribes." "And that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Now, sir, in relation to the regulation of commerce with foreign powers and with the Indian tribes, there is no kind of distinction made in the constitution between the modes to be pursued in relation to foreign powers and that of the Indian tribes; hence, I take it for granted, there is no difference allowed to be made in the mode of procedure between the two. It is to be done by treaties, and no other mode can be adopted without a violation of the constitution. There is a treaty-making power created by the constitution, and that is to be exercised in a particular way pointed out by the constitution; that being the case, this House, or both Houses, cannot nullify or change that mode, without an express violation of its principles. What was the treaty-making power created for, if Congress may adopt any other mode they please? I say it cannot be done by this House, or by both Houses, or otherwise the constitution is a dead letter. If the President, by and with the advice and consent of the Senate, is alone authorized to make treaties, how can Congress substitute any other mode? No one, I believe, would be hardy enough to affirm that the President alone could make a treaty with a foreign power; and, if he cannot do so with a foreign power, I ask how can he do it with an Indian tribe, when the power to do the one is granted in the constitution by the very same words as is that to do the other? What would the people of the Union say if Congress were to pass an act authorizing the President to negotiate a treaty with England, or any other foreign power, to adjust and fix a tariff of duties to suit his own notions, without consulting the Senate or this House? Would they not say the act was unconstitutional, as well as an infringement of their rights? Would they not say that that was a power they never authorized us to confer, and pronounce us usurpers for doing so? They certainly would, and justly, too. I say, sir, would not such a proposition shock this nation? And yet this bill proposes to do what is in principle precisely the same thing, and indeed a scheme of equal magnitude, and of more alarming and dangerous consequences. In this instance the President is authorized not to make treaties, not to hold conventions, subject to the revision and control of the Senate, but arrangements, compacts, or whatever else you may please to call them, in just such a manner as may suit his own notions, to the amount of a hundred millions of acres of land, and about twenty-four millions of dollars, uncontrolled by any legal restriction, save his own discretion. Not but that he might exercise that tremendous discretion very honestly and very judiciously, but the granting it would still be no more nor less a breach of the constitution. Under these impressions, I cannot consent to vote for this bill; nor shall I ever consent to do so, until I get my own consent to violate that constitution which I have sworn on this floor to support.

Sir, I was anxious to adopt some correct and constitutional system by which all those sons of the forest might have an opportunity of changing their residence among the whites here, for one beyond the Mississippi, who might choose voluntarily to do so; and I was anxious for its adoption, because I saw and dreaded the perilous situation in which those poor helpless fellow-beings were placed. I saw them driven, by the construction which the President of the United States had given to the constitution and the various treaties into which we had entered with them, from the protecting shelter which those solemn guaranties had thrown around them, destitute of the means of support, and I felt anxious to relieve them upon any safe and correct principle, regardless of the expense, and submitted

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what I thought such a proposition to the Committee of the Whole on the state of the Union, and which was by them almost as promptly rejected as submitted. My proposition was to authorize the President to hold treaties with the tribes in the usual manner, to extinguish the title to their lands on this side of the Mississippi, and exchange those with them for others beyond; to obtain their voluntary consent to go; to make provision for them while migrating, and for their sustenance a reasonable time after their arrival there; and, indeed, embracing very nearly as extensive a scheme as the bill now under consideration, except that treaties were to be made and brought before the Senate for their advice and consent; that, as treaties had sometimes been obtained through fraud and covin, and had actually afterwards been set aside by the Senate, and which had occasioned bloodshed among the Indians, I was desirous to avoid such a catastrophe in future, and believing, at the same time, that it was the only constitutional mode by which it could be done. But, sir, what was my astonishment, when I was told that it was worse than no plan, and found that it was rejected almost without a division. I must confess that I felt afterwards as if it was my duty strenuously to oppose the one now under consideration, and shall certainly continue to do so, unless it shall be modified to comport with my views of the constitution, of the treaties made with them, and of that justice which is due to a weak and helpless people, to whom we are under every obligation of compact, of honor, of benevolence, and philanthropy, to protect, and, as far as we can, to save from impending ruin and final extinction. Sir, the danger to be feared in prosecuting such a tremendous scheme ought to prevent its adoption.

This bill throws into the hands of the President some twenty millions of dollars, to disburse exactly as he pleases; it throws into his hands the lives and liberties of four hundred thousand human beings, for such is about the number of Indians on both sides of the Mississippi, besides a hundred millions of acres of land, without check or control over him, no power to revise his acts; all his compacts are without the revisory power of the Senate. It is a discretion which I can never consent to grant to any man. My proposition requires treaties to be made in the usual way; those treaties to be submitted to the revision and control of the Senate. Here is safety. If the treaty is fraudulent, it can be set aside; if it be improvident, it can be rectified; if the President should drive the project too fast, or extend his operations too wide, he can be checked. The Senate is a representative body in part, and in part executive. The various interests of the States are there fairly represented, and their political powers fairly balanced, where contending interests are brought equally to operate, and wisdom and virtue will direct the controversy to a correct result. Sir, let us see how this bill, in its detail, would operate upon the Indians, in connexion with the laws of those States which have been brought to bear upon them. Every gentleman can see, at the first glance, that they must operate oppressively. How is one of those sons of the chase, who has all his life roved uncontrolled through his native forest, pursuing the game—I say, how is he to conform to the habits and manners of civilized life? How is he to be transformed, in a moment, from the solitary savage to the social and polished citizen? How is he to yield the lawless freedom of the wilderness to the narrow walks of cultivated society? How exchange the wanderings of the hunter for the contracted circles of the husbandman, or how the wild sallies of licentiousness for the restraints of social intercourse? He cannot do it; it would be worse than Algerine slavery. But, sir, these are not half the difficulties imposed upon these helpless and miserable people. These remarks will apply generally to all those three States which extend their laws over the Indian tribes within their borders.

But let us see what are the provisions of those laws which

Georgia has extended over the Cherokees. It will be necessary, in order to come to a proper understanding of the case; to show the relative situation of the Georgians and the Indians. It seems that the Cherokees, in pursuance of the treaty made with them by General Jackson, in 1817, "have established fixed laws and a more permanent system of Government." They elect their chiefs and head men, who form a council; they meet at stated times, and pass laws or decrees to govern them; they have their executive officers, their justices, and their constables or "marshals," as they are pleased to call them. With those chiefs, council, and executive officers, they govern themselves, I am told, with a regularity and firmness of purpose very little short of the most civilized communities, and at least with the same stern, undeviating national integrity. Sir, there is not upon record, I believe, an instance of a violated Indian treaty, which was entered into by them, voluntarily and without fraud on the part of the white men; they have universally abided by them, however onerously they have operated. It will be recollected, that, in 1825, a fraudulent treaty was made with the Creeks at the Indian Springs, which was afterwards set aside by the Government, on the application of the Indians; and even in this case, although it appeared that General McIntosh, the principal chief who had negotiated the treaty, was to become the individual owner in fee simple of a property worth perhaps thirty thousand dollars, for his infidelity in signing the treaty, and although the chiefs who made the stipulation were unauthorized to do so, yet the nation never attempted to violate the treaty, but modestly asked of the Government of the United States to set it aside, in consequence of the fraud, which they did, on equitable terms, and to the great displeasure of the Georgians. It is true the Indians punished McIntosh, their chief, with death, for his infidelity, and the world has pronounced upon their act, that it was right, for he was a traitor according to their laws, having knowingly and wilfully violated not only a statute of his country, but that sacred pledge and faith which is the only guaranty of national or public safety. Since the fatal catastrophe, I am told, the Cherokees, from a deep repugnance to sell their lands, and from the circumstance of their chiefs, as well as individuals, being sometimes bribed, have passed decrees punishing with death any chief or other person going into council to make treaties for the sale of their possession, without the consent of the whole nation.

Now, sir, what are the laws of Georgia in relation to those people? The very act by which she extends her laws over them, annuls and renders void all their orders and decrees, and makes it a penal offence, subjecting them to confinement in the penitentiary for six years, to hinder or prevent, by any means, any individual from selling any part of their lands. The Indians, finding the members of their society had been bribed, as I presume, though entirely immaterial for what reason, had made a decree or order that no individual among them, without the consent of the nation, should enrol himself, under a law of the United States, for the purpose of removing beyond the Mississippi. The same act of Georgia makes it a penal offence, punishable by confinement at hard labor in the penitentiary four years, "to prevent, or endeavor to prevent, by any means, an Indian from thus enrolling himself for transportation." They have likewise an order or decree of their council, which, I presume, originated in the fraud and corruption practised at the treaty of the Indian Springs in 1825, and which was afterwards set aside by Mr. Adams, with the consent of the Senate, making it a felony of death for any of their chiefs or head men, fraudulently and wickedly, to go into council, and make a treaty for the sale of their lands, without the general consent of the nation. How has Georgia met this wholesome provision of their laws? Why, sir, by passing an act, making it murder, and punishable with death by hanging, to take the life of an Indian for

enrolling himself for transportation, or for going into a council, to sell their whole territory, or any part of them, to the whites; making the executive officer of the Indians answerable with his life for executing any such order of council or decree. There is, likewise, a provision in the same law of Georgia, which disqualifies the Indians, even on their own lands and in their own towns, from being witnesses against a white man. Now, sir, a comparison of those sanguinary edicts of Georgia, operating as auxiliaries with the bill upon your table, will exhibit the true grounds upon which those poor Indians stand in relation to the freedom of their wills, in selling their lands, and removing themselves beyond the Mississippi. This bill, then, in the first place, authorizes the President to exchange lands beyond that river with any nation of Indians on this side, for the whole or any part of their territory. It is not to be presumed the President will, in person, make all those exchanges: it will have to be trusted to agents, and perhaps those residing in the State where the land lies; deeply interested, if not individually and directly, he will be so politically and indirectly, and will necessarily make it a point of skill and praiseworthiness as a diplomatist, to obtain the best terms he can of the Indians. This is putting it on the best and most honorable grounds. The laws of Georgia have annulled and abrogated all the decrees and edicts of the tribes, thereby rendering them perfectly powerless, and giving to the vile and perfidious among them the liberty of exercising, with perfect impunity, the basest fraud and treachery, and, to cap the climax, doom to the penitentiary for six years, at hard labor, any Indian in their nation who shall attempt to prevent them. This is a case that may happen with the most correct agent the President can employ, and when governed by the purest motives. Under what circumstances will the Indians come to treat with you? Why, sir, disarmed of all power as a nation, with the horrors of a penitentiary and hard labor staring them in the face, with a rope around their necks, a hangman by their side, and a gallows erected over their heads! What a medley of absurdity, oppression, and horror is couched in these few sections of law. The solemn legislative decrees of the Indians are, by them, declared null and void; and yet if one of their tribe prevents his fellow-member from going into council to make decrees, he is punished with confinement at hard labor in the penitentiary. Their decrees in council are null and void, and yet they are punished if they do not hold councils, and make such as shall suit the convenience of Georgia. They are void in some instances in which Georgia is interested that they should be, and yet they are very grave and solemn acts in cases in which she is interested to make them so. If the Indians do not hold councils to suit the convenience of Georgia, they are punished in the penitentiary; if they do hold councils, such as do not suit the convenience of Georgia, and execute them, they are to be hanged; and yet we are gravely told that this bill is not intended to coerce them from their homes, or to sell their lands. Sir, I do not misrepresent this law of Georgia. I hold it in my hand—it is on every gentleman's table. I have stated its provisions substantially, and can be corrected if I be wrong. Sir, if it be proposed to these unfortunate Cherokees to sell their lands, they cannot avoid doing so. There will always be found in any community individuals corrupt enough to take advantage of the weak and imbecile. There will always be found those in the nation weak or wicked enough to yield to the bribes of corrupt agents, so long as impunity shields them from condign punishment. Indeed, it seems a little strange to me that it never occurred to the enlightened Legislature of Georgia, that, by annulling all the laws, customs, ordinances, and decrees of the Cherokees, and punishing them for making such, they thereby rendered all their decrees, to every intent, inefficient, as well to convey their lands as every other practical purpose; or how it should have escaped their discernment,

that if the Indians were liable to such severe punishment for making one kind of order or decree, they would fear to run the hazard of making any kind at all. Sir, without dwelling upon this point in the argument, it is very clear that the law of Georgia is intended to intimidate the Indians, by punishing those who shall dare to object to the sale of their lands; and, sir, by a literal construction of that act, it is made a crime, punishable with four years' confinement at hard labor in the penitentiary, for an Indian to persuade his neighbor not to sell his lands and leave his country. And why was it necessary to pass such an act, if it were intended to leave the Indians at liberty to exercise their free will whether to go or stay? Nay, if it were not intended directly to compel them to go? Such is the operation of the act, in connexion with the one now under consideration; and, if this bill passes, no arm but that of heaven can save them.

The balance of my remarks, sir, will be pretty much confined to answering the argument of the gentleman from Georgia, [Mr. WILDE] and which will show, as far as I can wish, what is the nature of their own act extending their laws over the Cherokees, as well as the operations under the act now proposed to be passed. There is, sir, a clause in this bill which authorizes the President of the United States to have appraised the improvements on settlements among the Indians, and pay those individuals for them; and, when thus appraised and paid for, no Indian is afterwards at liberty to reside on them: but they shall instantly become the property of the United States, or the State which owns the soil; and the Indians forever ousted of the possession. This is at once to authorize the agent whom the President may employ to deal or bargain with them, to apply to every Indian in the nation, and deal with him individually for the little spot on which he may have built a cabin; and, by bribing him with a small sum of money to sell his improvement, it at once becomes the property of Georgia, if it be within that State, as she is entitled to the soil when the Indian title is extinguished. This is not dealing with the Indians as a nation—it is purchasing out individuals, and taking their lands from them by piecemeal, without asking the consent of the tribe. It is calculated to corrupt their people, lead them to acts of disloyalty, and set them at war with one another. And here, sir, the act of Georgia has full effect; because, for an Indian to do any act by which such a disloyal deed shall be prevented, is punishable with imprisonment for four years in the penitentiary. The gentleman tells us that this is no new thing; that the Government of the United States have often dealt with individuals of a tribe for lands. Why, sir, if it is not intended to effect some new object, why pass the bill? If it is only intended that the President shall treat with the Indians, why the new provisions in the bill? or, I ask again, why pass the bill? The President has the power to treat with them without it. I undertake to say, sir, such a thing never was done by this Government, as to deal with an individual Indian for lands, unless it was such lands as he held from the United States by patent or deed. The United States have never yet descended so low as to deal, or attempt to deal, with individuals among the Indians for lands which were not held by them as private property. They have never dealt with them in any other way than by treaties with the tribes, fairly made in council. It is true they have paid the Indians for improvements, but those payments have been always made to the nation, or to the individuals by consent of the nation: for every one knows that all Indian lands are held in common by the nation, and no individual can enjoy a foot of it as private property. Hence, to deal with the individual, is calculated to drag from the nation its lands piece by piece; because they have it not in their power, in consequence of the act of Georgia, to punish an offender who shall thus take upon himself to violate his duty to the nation or tribe to which he belongs. It enables the agent who shall negotiate, by

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bribing the worthless part of the Indian community, to rob the nation of its lands, through their defections, while the nation is deprived of the power of protecting itself against such traitorous conduct.

Sir, the gentleman [Mr. WILDE] has told us how vilely the Cherokees have acted toward those who had enrolled themselves under the act of Congress for emigrating beyond the Mississippi. I had heard of the bad conduct of the Indians toward these emigrants, long ago; and, indeed, had come to the conclusion that perhaps they had acted from passion, without consulting their reason. But, sir, what was my astonishment, when I heard from the gentleman what this bad conduct was. He says the Indians sue those who are emigrating, for their debts, and thereby prevent them from going. I am not mistaken; I took a note of what he said. Why, sir, this is characteristic of an Indian, to pay his debts, although under no legal obligation to do so. I presume, however, that some of the Georgian Indians have lived near the whites so long that they have learned to be dishonest, and the nation has taken care, in their approaches towards civilized life, to secure their constituents against such dishonest practices by their own countrymen. Sir, I ask if it is not one of the highest evidences of their advancement in moral science, and moral rectitude, as a nation. Certainly the gentleman would be very sorry to hear it said that the laws of his State would not permit the creditor to arrest the debtor who was fleeing from justice; and he has charged the Indians with no more. I should say they were dishonest, and undeserving the name of civil communities, if they did not provide against such impositions upon themselves and strangers. And, sir, here is to be found the cause why Georgia passes an act punishing them with four years' imprisonment at hard labor in the penitentiary, for using any means, by their decrees, or otherwise, for preventing the emigrants from removing to the west of the Mississippi. Sir, I will leave it to the world to say whether Georgia or the Indians are most reprehensible. The poor Indian who goes into council to pass a law to compel his countrymen honestly to pay their debts, or Georgia, who punishes him with confinement in the penitentiary, at hard labor, for doing so, merely, forsooth, because it becomes the means by which they are prevented from emigrating to the west of the Mississippi. Thus stands the case: the Indians desire their countrymen shall be honest; Georgia indicts and punishes them for their laudable efforts to make them so. I do not commiserate Georgia very much for the causes of such a complaint; and especially, too, as the gentleman tells us the vigilant and sharp-sighted Indian agent in that quarter prevented the Indians from carrying into effect their plan. Such an act was worthy of such an agent; and, as to such a complaint, I will leave it to be judged of by others. The gentleman tells us of the very barbarous decrees passed by these savages in their council. I have taken a note of one as he read it from the paper; but I will only state it substantially, and he can correct me if I be wrong; it is this: "If an Indian take a thief who has stolen his horse, and he should be in so much of a rage as to take his life, he shall be answerable only to his God and his own conscience." This is the law, or decree, of this savage nation. How long has that gentleman lived under just such a savage law? Is it not the law of every civilized nation, that, if a thief steal your horse, and you take him with it, and he resist, you may kill him with impunity? Why, sir, it is a transcript of the law of every christian people; and here it is to be lugged in as barbarous and sanguinary, to create odium against the poor Cherokee. Sir, compare this barbarous decree of the savage with that mild and benignant decree of the enlightened State of Georgia, which indicts and punishes an Indian for going into council to make a decree to compel his countrymen to pay their honest debts. The one a savage, the other an enlightened christian community.

The Indians pass decrees to prevent their subjects or citizens from committing crimes; and, because they make allowances for the weakness and frailty of human nature, it is to be charged upon them as sanguinary and barbarous. Why, sir, it is the mercy which justice extends to human passion, and to deny it would be to make justice more guilty than crime itself. The gentleman gives us an evidence of the cupidity of those Indians, that they have a bank, regularly organized and officered, and that the money is loaned and distributed among their rulers; but very facetiously tells us that he does not know whether they have any ideas of reform. Sir, I must confess I am at the first of this information. And I am glad he has mentioned the fact, because it goes to confirm what the gentleman from Massachusetts [Mr. EVERETT] has said, that those Indians are very far advanced in civilization. And I will venture to affirm, that any set of rulers, civilized or savage, who have money to make a bank, as he assures us they have, have also, like our worthy rulers, some idea of reform. And, sir, I mean no disparagement to Georgia when I say that perhaps some of their rulers would be glad to break up the Indians, and get them out of the way, that they might indulge themselves in handling the cash belonging to that bank. I say, sir, it might form a secret motive, not with Georgia, but with some of her citizens, to annul the decrees and statutes of the Cherokees, break up their councils, and finally get them removed beyond the Mississippi.

Sir, I have but a few words more, and I have done. There is one feature in the law of Georgia, which I have not mentioned, and which is perhaps the most onerous, and most calculated to secure impunity to the wicked and malevolent in the violation of the rights of the Indians, than any other; it is this, that no Indian can be received as a witness against a white man. Now, sir, I would not find fault with such a provision, if Georgia did not compel them to submit to her own laws; if she permitted them to be governed by the rules and regulations which they prescribe for themselves, they would have no right to complain, or, at least, not the same right; or if she limited the provision of the act to her own acknowledged dominion, and did not extend it to the lands and villages confessedly belonging to the Indians; but as it stands, how does it operate? Why, sir, the whites may go into their towns, and murder men, women, and children, with perfect impunity, unless indeed there shall happen to be an honest white man present, which will hardly ever be the case. The whole of the intercourse laws of the United States are let loose, and rendered null and void by the construction given them by the President of the United States. And white men are permitted by the laws of Georgia to go among them whenever they please; and, indeed, the executive officers are paid mileage for going, and, when there, they have a perfect immunity to commit every kind of outrage upon the Indians, because there can be no witnesses against them. The injustice of such a measure must be apparent to every one; and, besides, the license given to the lawless and vicious to abuse them, must lead to the commission of almost every enormity, while they, feeling that they can have no redress, except that which they find in their own resources, will be led on perhaps to odious excesses; and riots, commotions, and bloodshed must be the inevitable consequences. Every improper act will be charged and proved upon the Indian, while the white man escapes with perfect impunity, because there can be no evidence to prove his guilt. Indeed, sir, this very provision of the act of Georgia forms one of the strongest links in the chain of oppression which is intended by this bill to be thrown around the neck of the poor Indian.

Sir, I have always been in favor of colonizing the Indians as well as the negroes; but I wish, when it is done, it may be done in a manner that shall be agreeable to them—that it shall be done upon correct principles. Give them a territory over the Mississippi; let us take it under our

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protection; let us not undertake to govern them with our laws, but aid them in governing themselves with their own laws—lay off their territory in a continuous form, not into circles or districts for separate and distinct tribes, as contemplated by this bill; for, according to it, the territory is to be laid off, and distinctly marked, so that each tribe may know its own. By a course of this kind, you keep up those odious distinctions which have been the causes of endless wars between them. Why, sir, while they had the whole range between the Atlantic on the east, and the Pacific on the west, if we can believe history, it was their disputes about the lines of their hunting grounds which caused those exterminating wars which were fast leading to their extinction. And, suppose you throw, according to the provisions of this bill, some forty or fifty tribes into a narrow compass, between the western boundary of Missouri and Arkansas on the east, and the Spanish dominions and Rocky Mountains on the west. What is to be the consequence? Why, sir, in less than twelve months after they are fixed there, endless disputes and quarrels will ensue, and the same old exterminating warfare begins; and you are bound to protect them in their new possessions, not only against all foreign foes, but against themselves. This will create onerous burdens, which the people of this Government will be very little disposed to bear; and the poor Indians will very likely, in a short time, be again abandoned to the operations of their own lawless and savage passions, which know no graduation of punishment—but every offence is punished with death; and, very soon, they will again be seen tending to decay and extinction.

I say, sir, give them a territory, do away all those fatal distinctions of tribes, let them be Indians, not tribes of Indians; cultivate a good understanding with them; give them to know that we intend to treat them as our equals. It is that invidious distinction we have always kept up, which has made them hate us. The Indian is not like the poor humbled African, who looks up to his master as a superior being; he feels all the dignity of his nature; and to treat him with contempt, is to make him hate you with a hatred as lasting as time, and as inexorable as fate. You are going to place him on the borders of the Mexican dominions, who may one day become our rival and our foe; and if you drive him from his home by acts of oppression, he goes there with his heart cankering and festering with a deep sense of his wrongs. He will be always ready to join your foes, whoever they may be. He will fight you as long as he can raise the tomahawk, or wield the war club. I say, therefore, give him a country that he may call his own; take him under your kind protection; fix his title to it upon principles that shall satisfy him that it is to be his forever: do not drive him hence, but make it his interest to go, and he will go voluntarily; and, instead of bearing in his bosom the feelings of hatred and revenge, he will carry with him the pleasing recollections of your beneficence and kindness. Instead of pouring forth the curses of his injured country, he will breathe the aspirations of kindred affections. But, sir, if you drive him away with unprovoked wrongs, visit upon him the evils with which this bill is fraught, surround him with insuperable difficulties, till he is forced to yield to their pressure; send him away in that spirit, and he will war with you till he reaches the shore of the Pacific; and, when he has no longer a clod of earth upon which to set his foot, you will hear his curses (not his sighs) wafted back upon the returning gale; and not his only, but the curses of pitying nations who shall sympathize in his wrongs and his sufferings. You will be told of your broken faith, violated treaties, unprovoked wrongs inflicted upon the poor Indian, when he (as eloquently expressed by the gentleman from Georgia) shall not be extinct, but sunk in the vast ocean of oblivion.

Mr. LAMAR said he was well apprised that he was about to impose on the exhausted patience of the House a heavy tax, but, under existing circumstances, he should

not conceive himself warranted in presenting to its consideration more than an epitome of the argument which was intended to be urged in support of the bill.

One observation, in justice to myself, [said Mr. L.] and which will favorably present the claims I have on your time, if not your attention. Actuated by considerations connected with important interests, in which Georgia and her citizens are peculiarly, and, I might add, almost exclusively concerned, I have been induced to abstain from debate on all other subjects, that your obligations to listen, and my claims to address you, might be increased. To advance the success of these interests of the State and her people, requires the exertions of all the energy and talent of her delegation; and such as I possess shall be devoted to them.

The gentleman from Indiana, [Mr. TEST] and others associated with him, who have preceded me, presented those objections which, on the first aspect, might be conceived the most formidable to the bill itself; and the importance attached to them, the fearful apprehensions indulged, from the power it is supposed to confer on the President, and the fatal consequences predicted from it, demand an answer. This they shall receive. We are informed by the gentleman from New York, [Mr. STORRS] that the history and experience of all Governments should admonish us that power has a tendency to concentrate in the Executive Department of Government; and that its insidious encroachments, which have undermined the liberties of nations in past times, emanated from that source; that patronage is dangerous, and is increased by the bill; that, by it, the settled principles of the action of this Government are subverted; that treaties are superseded; and that the President will have an unlimited discretion to do what heretofore required the concurrence of two-thirds of the Senate to accomplish. But, sir, let me call your attention to the bill, and I hazard nothing in saying that a partial examination of its provisions will satisfy every unprejudiced mind that no such exceptions exist, except in the gentleman's imagination.

The first section requires the President to cause to be laid out, of the territory to which the Indian title has been extinguished, west of the Mississippi, a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange their land.

The second only provides for the exchange of territory; and the third requires that, in making the exchange, the President shall cause a guaranty to be made them, or at their election to issue a patent, subject to revert to the United States if the Indians become extinct or abandon the same.

The fourth provides for the payment of such improvements as add value to the lands claimed by individuals, to be ascertained by commissioners appointed for the purpose.

The fifth section extends to the emigrants the necessary assistance to enable them to remove, and such aid as may be required for the support and subsistence for the first year.

The sixth enjoins it as a duty on the President to protect them in their new residence from the interruption and disturbance of other tribes, and all other persons.

The seventh and eighth sections preserve their relations with this Government as they have heretofore existed; and appropriate five hundred thousand dollars to effect the purposes specified in the bill. This, sir, is the bill so full of danger, patronage, and power; so little merciful to the "poor Indians," which is to produce among the nations of the earth a moral disgust, and draw down upon us the vengeance of Heaven!

Sir, so far from the bill conferring on the President these alarming powers, or in any way interfering with the making of treaties, he will be the mere instrument to consummate the legislative will: to see the object accomplished in the manner Congress shall direct; and the manner as well as the means of doing it are expressly designated and defined in the bill. He will occupy the humble station of a

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subordinate agent, with no more control than is conferred on him in the execution of other public acts, and not so much as he has in the disbursement of the millions annually expended upon the exigencies of Government.

Another objection to the bill is, that the same object can be attained by treaty, and that it is dangerous to depart from the established usage of the Government by the introduction into it of this new principle of action. These I regard as mere assumptions, and will join issue in point of fact with the gentlemen who urge them. The history of our Indian relations refutes every position assumed on these points, and it will be a difficult task for certain gentlemen here, who have thrown the whole weight of their influence in opposition to this bill, to extricate themselves from the charge of inconsistency.

The bill of 1826, for the removal of the Creek Indians, commanded their talents and support; and their registered votes show that, at that time, many of those who are now directing the most fixed and violent opposition to the present measure, entertained very different views as regards this policy. In vain may they attempt to discriminate between the two bills: it cannot be done; and a regard for consistency, or the dread of exposure, has prevented them in argument from making the slightest allusion to it. I repeat it, there is no new principle insisted on, nor is the plan of Indian emigration a new or visionary project.

Mr. Jefferson, in 1805, in a letter to General Gates, assigns it as one of the benefits to be accomplished by the acquisition of Louisiana. Mr. Monroe considered it a momentous subject; one which would enlist in its support the exertions of the Government, as the only means of fulfilling the compact of the United States with Georgia; and one to which the hopes of the philanthropist should be directed with liveliest concern, as the destiny of the Indian was suspended on its success.

After Mr. Adams became involved in the controversy with Georgia, and from which he was not a little anxious to be relieved, he displayed an earnest solicitude to advance the success of this policy of the Government: and in no State paper has the propriety of Indian emigration been more favorably presented to the American people, than it was in the one transmitted to Congress by the late Secretary of War, General Porter. At that time, it was supposed there was a union of all hearts and all heads on this subject, and that the consent of the Indians was the only impediment to this desirable object. But within the last twelve months we have witnessed some most extraordinary changes of opinion, and now a most determined hostility is waged against this favorite policy of former administrations.

Having shown, then, that nothing new is contemplated by the bill, I will now endeavor to prove that its object cannot be attained by treaty. Sir, with whom would you treat? and whose consent would be necessary in the formation of a treaty? A few arrogant chiefs, half breeds, and renegade white men, control the Cherokee nation. The voice of the people is not heard in their council. They may be disposed to enigrate, but the chiefs rule; they refuse to treat, and the majority of the Indians are thus defeated in their wishes. But, under the provisions of this bill, the scene will be reversed. The Cherokees not in authority will be permitted to move or not, at their election, without the fear of death, or a confiscation of their property, and will enjoy that freedom of action of which they are now deprived.

With the information which this House has, do gentlemen suppose that there is the most remote prospect of treating successfully with those who control the affairs of the Cherokee nation? Do not the same causes which rendered the efforts unavailing heretofore, still exist? The annuities received from this Government by them have added new causes of difficulty, and lessened the hope of success. When an annuity is paid, it is deposited in their national

treasury. Who receive it? The Cherokees, as a people, with whom it was formerly distributed, or those officers who administer this recently organized Government of theirs? Sir, the overgrown fortunes of the latter, and degradation and poverty of the former, furnish the answer.

In proportion, then, as the aggregate number of their population is lessened by emigration, will the amount of the annuity received by the chiefs be diminished, as a ratable part will pass to those who remove. Hence it is, sir, that the chiefs of that nation have exerted the despotic powers with which they are clothed, to restrain the emigration of their people.

I trust, sir, that those really in favor of the measure will not, after all the explanations which this branch of the subject has received, be disposed to repose much reliance on any other plan than the one contained in this bill.

Another extraordinary objection to the emigration of the Indians, at this time, has been introduced into this debate. It is, that Georgia has extended her laws over the Cherokees; and gentlemen justify their opposition to the bill, on the ground that they fear the coercive influence of those laws, and the effect they might have on their determination. But while gentlemen oppose the policy proposed in the bill, and acknowledge the condition of the Indians to be an evil, why do they not condescend to suggest to us some other plan to relieve the objects of their benevolence, and to free the States where they are from the inconvenience? The gentleman from New York [Mr. SPENCER] made the nearest approach to it, by an amendment proposed in the Committee of the Whole. It asserted the independence of the Indians, denied the right of the States to subject them to their laws, and probably instructed the President as to his duty in carrying into effect subsisting treaties. But it was no sooner read, than it was rejected by a decided vote of the committee, and it will scarcely be revived in any other shape.

Let me then inquire, will the rejection of the bill aid the Indians? Will the operation of the State laws over them be arrested? No, sir. Yet, while the gentlemen raise the cry of oppression, and inveigh largely against the laws of Georgia, they will not contribute their aid to remove the Indians beyond the reach of that tyranny they profess so much to deprecate. The amount of the argument is this—that because Georgia, in their opinion, has done wrong, they will not do anything to accomplish what most of them believe to be an act of pure benevolence.

Sir, it is an undeniable fact, that the destiny of the Indians is involved in the course which this Government adopts towards them, and that the crisis has arrived when the measures which it is to pursue should be clearly developed. That procrastination will be attended with increased embarrassment to the United States; and accumulated misery on the part of that unfortunate race of people, cannot be doubted. The course pursued by a portion of the people in the United States in memorializing Congress, and the character of this debate, have a tendency to delude them, by inducing the expectation that the arm of this Government will be extended in supporting them in the pretensions to which they have recently laid claim in endeavoring to erect an independent Government within the limits of a State—the limits of Georgia, originally designated by her colonial charter, subsequently altered and defined by her constitution, and recognised by the compact which she entered into with the Federal Government in 1802. Under the most auspicious circumstances of which this state of things will admit, it is not difficult to foresee the ultimate destiny incident to their anomalous situation. In the States where they have quietly yielded to the humane and benevolent provisions of the State authorities, and where the influence of religious precept and example has been actively exerted in their behalf, what has been their fate? In the language of the executive message, there are left remnants of tribes, only to preserve

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for a while their once terrible names. In proof of the correctness of this remark, I shall omit arguments of my own, and supply them by referring to authorities. And should I be fortunate enough to show that the deterioration of other tribes has been the result of their confined location, I trust I shall have obviated some of the difficulties which rest on the minds of gentlemen, and that they will co-operate with us in affording the means which are necessary to be employed in furtherance of this benevolent design. I shall read a portion of a speech delivered in the Senate in 1825, and a commentary or marginal note in a volume of the laws of Connecticut.

This, sir, is the language used by Mr. Elliot:

"To any one who has carefully attended to the history of the tribes within the old States, it must be apparent that their uniform decline results from causes growing out of their location. So true is this position, that, while you can scarcely point to a nation of Indians wasting away, either numerically or physically, in their native wilderness, I know of no tribe within the States, surrounded by a white population, who have not declined in both these respects, and who are not in manifest danger of extinction. What, sir, has become of the immense hordes of those people who once occupied the soil of the older States? In New England, where numerous and warlike tribes once so fiercely contended for supremacy with our forefathers, but two thousand five hundred of their descendants now remain; and these are mixed with negro blood, dispirited and degraded. Of the powerful league of the Six Nations, so long the scourge and terror of New York, only five thousand souls survive; while in Jersey, Pennsylvania, Delaware, and Maryland, they are either entirely extinct, or their numbers are so reduced as to have escaped the notice of the department. In Virginia, Mr. Jefferson informs us that there were, in 1607, between the sea coast and the mountains, and from the Potomac to the most southern waters of James river, upwards of forty tribes of Indians; now there are but forty-seven individuals within the State. That many of these people have removed, and others perished by the sword, in the frequent wars which occurred in the progress of our settlements in all these States, I am free to admit; but where are the hundreds of thousands, with their descendants, who neither removed nor were thus destroyed? "Sir, like a promontory of sand, exposed to the ceaseless encroachments of the ocean, they have been gradually wasting away before the current of white population which set in upon them from every quarter; and, unless speedily removed, by the provisions of this bill, beyond the influence of this cause, a remnant will not long be found to point you to the graves of their ancestors, or to relate the sad story of their misfortunes."

In the laws of Connecticut is to be found the commentary to which I have alluded; and, to the statement of facts contained in it, I solicit your attention. "When our ancestors took possession of the territory now composing this State, it was inhabited by a great number of tribes of Indians. They never had a war with any but the Pequots within the State. At a very early period they were all in some degree of subjection to the English. They were never treated as a conquered nation, or enslaved, but were treated as friends and allies, and even considered as a free people. The great object was to civilize them, and the control exercised over them was for their protection and benefit. In the revision of 1672, regulations are found, requiring ministers of the gospel to endeavor to convert them to christianity, prohibiting pow-wows and the profanation of the sabbath, and punishing murder. In the revision of 1802, there are some additional requisitions, to prevent the selling of strong drink to them, to punish them for drunkenness, to protect them in their rights of property, and to prevent any private persons purchasing their lands. Under this mild treatment, without war, pestilence, or famine, they have been continually diminishing, and are

now reduced to a very small number; and will, probably, in a very short time, wholly disappear."

If this is their reduced condition, resulting from their confined location, and that, too, amidst the solicitude indulged for their welfare, the regrets experienced at their decline, and when honest efforts have been made to avert the causes of their desolation, what will be the precipitate state of ruin of the Creeks and Cherokees, should they persevere in a misguided and reckless course of waging an opposition to the laws of the States? Sir, it does not require the aid of past experience to divine it; and nothing but a forbearance on the part of the States, to which their own citizens could lay no just claim, can withstay or avert it. The President has fully disclosed his opinion to us as it regards the power of the States in extending their laws over them—the right is conceded. Instead, therefore, of having the military force of this country to interpose for its prevention, the States would have a right to call it to their aid in case of resistance. The right of jurisdiction need not be questioned. It is settled. Georgia acquired it in the establishment of her colonial independence, reserved it in her admission into the Union; and it is to be regarded as one of the inseparable appendages of her sovereignty. These are admitted principles, and form the basis on which the present administration is acting; and the Federal Government can make no pledge, enter into no agreement or compact, in violation of these inherent rights of the States. The framers of our constitution supposed they had sufficiently guarded and defined the powers of the Federal Government by a special enumeration of them; and so sensibly impressed were they that the perpetuity of our political system depended on the preservation of the rights of the States, free from federal encroachments and federal influence, that they were not disposed to leave them in such a situation that their rights could be compromised, or their powers abridged, by pretensions of the Federal Government which did not rest on a special grant of power. They, therefore, imposed the burden of proof on it, by saying that the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. The friends of the rights of the States indulged apprehensions of an accumulation of power on the part of the Federal Government, tending towards consolidation; hence they conceived the necessity of this restrictive clause, intended to circumscribe and limit its powers, and to operate as a security to the States. If, then, this right, which Georgia claims to exercise, is not delegated by the constitution to the United States, nor prohibited by it to the States, it leaves Georgia at her own volition to extend or not her jurisdiction over them. Give to gentlemen all they claim, and upon which they rest the denial of the right of Georgia to do what has been done by her, and to what does it amount? That the United States have a right to make treaties, (the extent of which I shall hereafter investigate,) and to regulate commerce with foreign nations, among the several States, and with the Indian tribes. I shall not stop to discuss many contested points. Grant that it belongs exclusively to the United States to regulate commerce, and that it is general in its application, extending to the tribes within, as well as without, the limits of the States, it gives no right to do any thing more than what the constitution expresses, that of regulating commerce, and to "pass such laws as are necessary and proper for carrying into execution that power." It imparts to the United States no civil or criminal jurisdiction over any other subject. The same right exists of regulating commerce among the several States. Yet no one here will contend that the States relinquished, by this clause in the constitution, their rights of jurisdiction, or parted with their sovereignty on other matters disconnected with commerce; or that the power to regulate commerce among the several States confers on the United States the right to interfere with their municipi-

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pal regulations, and supersede their authority in the infliction of punishment for trespass, murder, and other criminal offences, with which commerce has no connexion. If, then, the United States cannot, in the regulations of commerce among the several States, divest the States of their jurisdiction over other subjects, how do the same words, in relation to Indian tribes, increase the powers of the Federal Government, or diminish or impair the rights of the States? They do not. We might here rest the propriety of the course which Georgia has pursued with perfect security, and demand of those who hold a different opinion, to produce the grant of power, this grand political lever, which is to prostrate the sovereignty of the States, and reduce them to a standing with petty corporations, dependent on the Federal Government, if not for their existence, for the extent of their powers. Sir, if the United States have a right to impose limitations on the States where there is no delegated authority to do so, in one instance, it may, with the same propriety, be claimed and exercised in all. There is no political restraint imposed, unless it is done by the constitution; and if the general welfare clause confers a concurrent right with the enumerated powers, then we have imposed upon us no restraints, but notions of expediency, and, in the plenitude of power, may supersede and forbid every act of State legislation, and assume the attitude that it is the province of the Federal Government to prescribe, and the duty of the States to obey. For one, I enter my protest against such principles; and Georgia, Alabama, and Mississippi, knowing their constitutional rights, will not implicitly yield to so flagrant a usurpation of them.

Let me now call your attention to such parts of the constitution of the United States as will establish these positions. That the States can exercise acts of sovereignty over the Indians within their limits; that the United States cannot prevent it by supporting them in their claims to an independent Government; and that all the guaranties made to the Indians of lands within the admitted limits of Georgia, are violative of the constitutional provision which protects the claims of States, and are void so far as that State is concerned. The first article and second section of the constitution, having a reference to the apportionment of representatives, and the mode of their apportionment, reads in these words: "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. Excluding Indians not taxed. If these words mean any thing, it is that a State has the right to tax them, and that she is not driven to the necessity of resorting to her reserved rights for the power to exercise this act of sovereignty. I advert to this article in the constitution, not only to show that a State could tax, but, by so doing, she could so far identify them with her body politic, as to increase her federal members, and with it her representation on this floor. No clause in the constitution was framed with more deliberation, or indited with greater caution. Well may we suppose that it elicited the watchful vigilance of all. For such was the jealousy which existed from its forming the basis of political strength, in the sectional divisions of the Union, that its adoption was the result of a compromise. It is apparent that the framers of the constitution conceived that the States could exercise the high act of sovereignty of taxing them; and that on their doing it depended an increase of their political power.

Let me call your attention to the fourth article and third section of the constitution, to show that Congress cannot extend relief to Indians thus situated, by constituting them separate and independent of the State Government, and call to recollection the fact, that the States, in their admission into the Union, parted with none of their territorial

rights. In the commencement of the section, it states that "no new State shall be formed or erected within the jurisdiction of another, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress." And, in the concluding part of the same article, it states, that nothing in this constitution shall be so construed as to prejudice any claims of the United States, or any particular State. This article was referred to by my colleague, [Mr. FOSTER] and the gentleman who succeeded him in debate [Mr. EVANS] seemed to conclude that he had placed the question at rest, by the exposition he gave it. His argument, however, was exhausted in the establishment of that which no one has denied. It is true that no new State is to be formed, such as is to become a member of this confederacy. But if, by the constitution, Congress is prohibited from forming or erecting a new State within the jurisdiction of another, without the consent of the Legislature of the State concerned, as well as Congress, with what plausibility can it be contended that it can promote the views of Indian tribes in forming or erecting an independent Government within the limits of a State? To assert it, would be assuming the proposition that it could do more for them than for the United States or any particular State. I arrive, then, at this conclusion: that, as it requires an act of Congress, and the concurrent consent of the State concerned, to form another, so the consent of Georgia to the establishment of an Indian Government within her limits is an essential requisite, without which, the Indians may invoke the aid of the United States, the malcontents memorialize, and Congress legislate in vain on the subject. Let the States confine themselves within the pale of the constitution, and its panoply will be their shield. You may, indeed, in your acts of federal legislation, adopt the language of Canute, and say to them, "thus far shalt thou go, and no farther," but it will be as idle as his was presumptuous. My object in referring to that clause in the constitution, was not only to show the inability of Congress to extend assistance to them in erecting a Government in opposition to the States, but also to call to recollection another fact, equally important to enter into the consideration of this subject, viz. that it was understood by the parties to the constitution, that particular States had claims, and that those claims were not prejudiced by any thing contained in that instrument. If, then, in 1787, it were understood by the parties to the constitution, and so inscribed in that instrument, that no power was delegated to the Federal Government to prejudice the territorial rights of the States, with what propriety can it be contended that, in 1791, by the treaty at Holston, between this Government and an Indian tribe, it could not only prejudice, but convey away the rights of soil and jurisdiction which Georgia had in her territory? Such is the inviolability of treaties in the estimation of gentlemen who resist the passage of this bill, that they hold them paramount to the constitution; that the President is bound to execute them, and is not permitted to question their validity. This, sir, is the argument of the gentleman from New York, [Mr. SPOONER.] It must have escaped the sagacious mind of that gentleman, that the President is bound by the highest obligations of duty to his God and his country, "to the best of his ability," to preserve, protect, and defend the constitution. But if, as is contended, a treaty supersedes the constitution, and controls it, to what extent will the principle carry us? The President and two-thirds of the Senate hold the fate of the republic at will, and can not only change the constitution, so far as it now secures the rights of the States, but can absolve us from all constitutional obligation whatever. According to the construction thus given to the treaty-making power, that clause of the constitution conferring it has imposed upon us a despotism more hideous in its character than any conjured up by the imagination of gentlemen, from the oppressions of which

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the constitution affords no relief. These, sir, are the principles called in requisition to defeat the rights and abridge the sovereignty of an independent State.

It was also contended by the honorable member from New York, [Mr. STORRS] as well as by the gentleman from Maine, [Mr. EVANS] that the treaty of Holston is binding on Georgia, because the United States is a party to it. That Georgia, being one of the confederated States, is bound by every act of the General Government, and therefore she ought not to complain. That it was the will of the majority, and that passive obedience is a duty which she should not violate. It was not anticipated that this antiquated doctrine would be revived, and brought to bear on this question. We are not one great national empire, and I trust we shall never see the powers of this Government consolidated. "The union of the States and the sovereignty of the States" must be preserved, if we would transmit to posterity the rich inheritance which we derived from their ancestors. The States are sovereign and independent, except in such instances as they have parted with their sovereignty by a delegation of the power to this Government. They are parties to the constitution, and, as such, have rights, and have retained all power not yielded by them to the United States. The constitution was intended to secure to them the exercise and enjoyment of these rights and privileges against an illegal assumption of power, or an abuse of the powers of this Government. If the reasoning of gentlemen be correct, great must have been the infatuation and folly of the States in committing the suicidal act of deliberately forming an instrument which was to result in a total annihilation of all their political rights. I trust, sir, that it is unnecessary to pursue this part of the subject any further. Georgia has rights independent of this Government. The first interference with them took place in 1788, by the treaty of Hopewell, which only designated the hunting ground of the Cherokee tribe. And, in addition to the treaty of Holston, there was a treaty held with the Creeks in 1790, which guaranteed the soil of Georgia to them. To every advance of federal usurpation, Georgia opposed her protest, repudiated it as unconstitutional, and violative of her rights. She did not admit, at that time, as appears from her remonstrance, that her political existence had entirely merged into that of the Federal Government, and that, as a State, she had no separate rights. Nor has she, as some have supposed, acquiesced in this measure, or waived any original right. It matters not, then, how superlative may be the folly of the United States in transferring to another a right over which she had no control. It matters not how solemnly the guaranty of the territory of Georgia to the Cherokee tribe may have been made, whether in fee simple, or only to be used peaceably as a hunting ground. It could not impair the rights of third parties. Georgia was no party to the agreement, and it was her interest alone which was affected. And if her claims were not prejudiced by her admission into the Union, by what means has the power to convey away the right to soil and jurisdiction accrued to the United States? There are only two ways by which it could be done—the one legal, the other conventional: either by authority granted by the constitution, or by voluntary consent, and agreement of the State of Georgia. These are the only means by which title could have been derived, and transferred from the State of Georgia to the Indians; and if the guaranty at Holston, in which such implicit reliance is reposed, has neither of these requisites, how is it to be supported? Only by assuming the broad ground that the Federal Government has the right to sell and convey away the property of the State. Is there any gentleman here—however federal or latitudinarian may be his opinions—who is willing to advocate and adopt that principle? Sir, I presume not. If this Government has such a right, may it not convey away a part of Kentucky? or of Ohio? or the western part of Pennsylvania?

If so, may not the General Government dismember the States, and convey them away by retail, or the wholesale, to Great Britain, France, or any other power, at discretion? The same power certainly exists to negotiate a treaty with foreign nations, as does with a horde of savages; and it appears that that is the process by which Georgia is to be deprived both of soil and jurisdiction. I have proceeded in the discussion of the question presented, upon the hypothesis that, since the independence of the United States, the rights of soil and jurisdiction were identified with the sovereignty of the State of Georgia. I will now attempt to show that the supposition is true. It may be considered by some a difficult task: it would be so regarded, had I to rely, in the undertaking, exclusively upon my own resources. But the speculations of the theorist have been submitted to legal examination and practical test; and the chaos of conflicting sentiment and opinion reduced to order and regularity by a tribunal which should be unaffected by the changes of administrations, of time, or of circumstances. I allude, sir, to the cases of *Johnson vs. McIntosh* and *Fletcher and Peck*, decided by the Supreme Court of the United States, our distinguished Chief Justice being the organ of delivery. Before you are invited to a minute examination of that decision, let us indulge in a brief review of the exploded doctrines which conflict with it, and which are now revived and promulgated by partisan writers, pertinaciously insisted on by memorials on your table, and zealously advocated by gentlemen on this floor. It is suggested by some that the unqualified right remains in the Indians, as original proprietors of the soil; while others, with as little approach to accuracy, admit the full operation of the laws of nations, but derive the Indian title from the United States by the treaty of Holston, and repose unequivocal reliance in the guaranty contained in it—thus denying to Georgia any original well-founded claim to the unappropriated territory within her limits. The only plausible opinion urged in support of this opinion, is, that the independence of the States, being achieved by the joint effort, should, therefore, enure to the common benefit of all—apparently forgetting that it was the cause of their association, and not, as the conclusion would warrant in believing, the vacant territory of the States. The unheeded remonstrances of the colonies and the declaration of our national independence embrace the objects of this momentous struggle; and, when success crowned their efforts, it was not supposed to have changed the ownership of property from the State to the United States. Congress, sensible of this, asserted no right in a legal contemplation; but appealed to the magnanimity of the States, from equitable considerations, to make cessions to them. That appeal was not disregarded, and the act of transfer is, of itself, conclusive evidence of the pre-existing right; and to the extent of the conveyances was the title transferred, and no further. I have higher authority in support of this opinion than my mere *ipse dixit*: the Journals of Congress are replete with proof: reference is made to the Journals of Congress, 16th September, 1776, 2d. vol. page 330—15th October, 1777, 3d vol. page 345—June, 1778—25th May, 1779—1st May, 1781—and October, 1782. I trust, then, that I shall not be considered as betraying a want of respect to the memorialists, these self-constituted, political, moral, and religious censors of Georgia, (whose morbid sensibility and affected zeal betray all the evidence of febrile excitement at the recital of the wrongs of southern Indians, but who have afforded no evidence that the first impulse of sympathy has been elicited at the now miserable condition of their own)—I repeat, I hope it will not be regarded as disrespectful to these volunteers in the cause of their Indian allies, in this instance, if, when their opinions conflict with decisions in the supreme judicial tribunal of this country, I should distrust the correctness of their conclusions. Whatever may be their claims to science, in general, to art, or theology, yet, in questions of right or constitutional

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law, Chief Justice Marshall and his associates must be esteemed at least their equals; and, in that case, the citizens of Georgia will be left to exercise a sound discretion in determining which of their opinions they will adopt. Let me now call your more serious attention to the decisions to which I have alluded; and, sir, there are two considerations, independent of the high character of the jurist who decided the cases, which should entitle those decisions to some consideration. One is, that they were made at a time, and under circumstances, which repel all supposition that they were even remotely united with political feeling, or dictated by partisan zeal. The other, that those who made them, so far from laboring under an overweening predilection in favor of State sovereignty, the current of their decisions has been adverse to the interest and principles contended for by the States. In the case in 8th Wheaton, *Johnson vs. McIntosh*, it appears that the Indians were in possession, and ever had been, of land lying in what was originally Virginia, being a part of the land ceded by her to the United States; that while they were thus possessed, they conveyed title to a company; afterwards, when the United States issued patents to this land, and individuals acquired possession under them, suit was commenced against them by those who had thus acquired title from the Indians. The Supreme Court, in the opinion delivered, states, that Virginia acquired by the treaty of peace with Great Britain, in 1783, all the rights of that Government; that the pre-emption right was conveyed by her to the United States; that the Indian title was a mere right of occupancy; that they had no right to convey, as fee to the soil was in Virginia at the time of the execution of their deed to the company. In the case of *Fletcher vs. Peck*, in the sixth volume of Cranch, such is the language used by the Chief Justice, in delivering the opinion of the court, page 128:

"That the Legislature of the State of Georgia, unless restrained by its own constitution, possesses the power to dispose of its unappropriated lands within its own limits, in such manner as its own judgment shall dictate, is a proposition not to be controverted." Again, in page 142, the court continues: "The question, whether the vacant lands within the United States became the property of the States, was not a momentous question, which at one time threatened to shake the American confederacy to its foundation. This important and dangerous question has been compromised, and the compromise is not now to be disturbed. It is the opinion of the court that the particular land stated in the declaration appears from the special verdict to lie within the limits of the State of Georgia, and that the State of Georgia has power to grant it;" and concludes with the expression of opinion that the Indian title is not such as to be absolutely repugnant to seisin in fee on the part of the States. This decision was made in 1810; and, in 1790, the land which was the subject-matter of adjudication was guaranteed to the Creek Indians by the United States as solemnly as was the territory of Georgia now occupied by the Cherokees at the treaty of Holston: so, in every aspect of the cases in which they can be presented, they will be discovered to be analogous. The court admitted the proprietary right to be in Georgia in the one instance, and gentlemen now deny us any right in the other. Sir, if any additional evidence is required to show that the territory over which Government has extended her laws is within her limits, it can be afforded.

In 1763, the King's proclamation issued. In 1764, the royal commission issued to Governor Wright, describing particularly the boundaries of the province of Georgia. On the 25th day of February, 1783, and before the definitive treaty of peace, the Legislature of Georgia passed an act declaratory of her boundaries, which was confirmed at the treaty of peace by an acknowledgment, on the part of Great Britain, that the "States were free, sovereign, and independent," and were treated with as such; and

that all claims to the Government property, and territorial rights of the same, and every part thereof, were relinquished to them. It is evident, then, that the United States had no just claim to the territory at the commencement of hostilities, none at their termination, and acquired none by treaty. I have shown that all these rights which Georgia had acquired with her independence were reserved to her by the constitution. And in 1788, one year after the establishment of our present system of Government, under the constitution, the United States, when Georgia proffered to convey to her a part of her unappropriated territory, did not contend that she had any claim to it, or that the title of the State was defective; but declared that the land was then supposed to be too remote from the other colonies, and that its value was too inconsiderable from that cause to justify her acceding to the proposition. And, sir, if all the other acknowledgments of the United States which are recorded against her were obliterated from the records, the compact of 1802 contains an admission of property in the State, so strong and irrefutable, that, independent of all other proof, it would be confirmation of itself. The gentleman from Connecticut, [MR. ELLSWORTH] in giving an historical account of the discovery of this continent, and the rights connected with it, assumed, as unquestionable, that the rights acquired from it have no connexion with the aborigines; that they only served to regulate the conduct of civilized nations, and only gave to the discoverer the right to extinguish the title of the natives. Why discuss this questionable proposition, when there were added to the rights of discovery the rights of conquest? I hold in my hand a volume which contains facts in relation to this subject and to the Cherokee tribe. They acknowledged themselves subjected to the authority of Great Britain; and, not content with making the acknowledgment to Mr. Alexander, the King's agent, they despatched from Charleston, in the ship *Fox*, six of their chiefs, with the regalia of their nation, and placed it at the feet of the King. They took sides against us in the revolutionary struggle, and continued their savage warfare with great fierceness until the Carolinas and Georgia overran them; and, in the stipulations for peace, they admitted themselves conquered, and that the lands were theirs, with rights to soil and jurisdiction, so indisputably established, that nothing is more preposterous than to suppose that any of the States would permit an Indian tribe to erect within its limits an independent Government. Indeed, such a state of things cannot practically exist. To prescribe the limitation of power, and the extent to which it is to be exercised by each, must be settled. If yielded to either, it would be incompatible with all rights of sovereignty or separate national existence. If not yielded, a contest for their exercise would ensue. The action of both Governments could not be differently directed to, and operate on, the same object, at one and the same time. How is this clashing of jurisdiction to be reconciled? Only by a voluntary surrender of all claims to them by one of the parties, and a submission to such authority as may be imposed upon them. As well might it be contended that two Governments, co-ordinate in power, dissimilar in organization, and with a different code of laws, could harmoniously exist in the District of Columbia, when both claimed paramount and exclusive jurisdiction over its inhabitants; such a state of things would be subversive of all order, and confound in inexplicable difficulty and confusion all divisions of power. No one of the departments of this Government, or all united, can arrest the action of the State Governments in the enactment and execution of their own laws, so long as they move within their legitimate sphere. It is a right conferred on the States, not by an act of Congress, nor by prescription derived from executive indulgence, but by the constitution—and an invasion of which, by Congress, the Executive or Judicial Departments of this Government, would be regarded by

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the States as an invasion of the constitution, which, if submitted to, only leaves it an existence in name. But, sir, suppose the principles for which I have contended be successfully controverted, and it is accorded to the Cherokees that they have a right to erect an independent Government within the limits of the States—if so, they have an exclusive jurisdiction in enforcing whatever edict they may desire, and in the summary manner incident to their barbarous customs. The consequence is, that an American citizen, as has been the case with a citizen of Georgia, is arrested while passing through their country, and punished—not after a jury has, according to the forms of law, and the injunctions of the constitution, established his guilt, for they are no parties to that instrument, and are not bound by its provisions, which prescribes that form of trial. And it is an undeniable fact, that, in proportion to the low degradation of intellectual character of a people, are they precipitate, cruel, and relentless. Self-preservation, and that protection which is due to our own citizens, forbid the existence of those evils. They are beyond endurance; and, introduce as much refinement as you may in your speculations about the nationality and rights of the Indians, Georgia will not submit to them.

Let us forbear to multiply remarks on this subject. I trust that no member of this confederacy would, if the power were possessed, impose restraints or obligations on a sister State, when, if she were the victim to their operation, she would disclaim the authority which imposed them, or that she would, in her sovereign capacity, exercise a power, and deny the right of its exercise to another. What, then, has been the conduct of the States towards the Indians within their limits? In Connecticut, the State Legislature has extended its jurisdiction over them, and exercised all acts of legislation necessary and incident to her sovereign character. She has appointed overseers or supervisors for them, and entertains no more distrust of her authority in legislating for them than for persons of color, idiots, lunatics, or minors. If it is yielded that she can interfere at all in their municipal regulations, either in restraining their privileges, or defining and securing their rights, the principle is admitted, and the manner of enforcing this authority is conferred on the States. Whether controlled by feeling more demoniac than the savage, it is to be rendered an engine of cruelty, or, with unaffected philanthropy to be employed in the promotion of advantages to them, is entrusted to the justice and wisdom of the States to determine, and there it may be safely reposed. In Massachusetts, the same unlimited acts of sovereignty have been exerted. And, at the division and separation of the State of Maine from her, so sensibly impressed was she not only of her right to legislate for them, but the solemn obligation imposed from having done so by regarding them as State paupers, that she stipulated the payment of thirty thousand dollars to Maine, to be released from all future obligations for their support or guardianship. And, until I heard the humble petition of the Passamaquoddy to this Congress for a little bark or a little wood, no doubt or apprehensions were entertained but that all obligations, civil, moral, and political, had been faithfully fulfilled. By the laws of Massachusetts, the State had guardians appointed, regulated their contracts, and declared them void unless approved by their guardian. The Governor and Council appointed commissioners to partition their land. By another act of the Legislature, overseers were appointed, whose authority, in many respects, was arbitrary and despotic. If an Indian became habitually addicted to intoxication, or neglected the ordinary means of providing by labor for a support, his liberty was forfeited, and the proceeds of his servitude went to the support of his family if he had one; otherwise, it was to be disposed of in such manner as the overseer of the tribe conceived most conducive to their interest. By another statute they were limited, if I mistake

not, as to times, and dictated as to the manner of meeting in council, and were expressly prohibited from doing so without notice to the overseer, and the obtaining of his consent. I have not recurred to the statutory provisions of Massachusetts in a spirit of animadversion. It is not my province to censure the policy of any State; an adjunct of local circumstances may not only render expedient, but in some instances imperiously necessary, a course of policy which cannot be supported by abstract principles. The constitution of the country has invested the States with the right to judge, and the discretion to determine the manner in which this authority is to be exercised; and we might as well deny the right to limit and regulate, as some gentlemen suppose we have the power to do, the manner of its enforcement. It is not doubted but that her repeated acts of legislation over them have been the result of their peculiar relations. The object in referring to them has not been so much to show the manner in which this jurisdiction was exerted, as to show that it had been uniformly exercised by her from and before the establishment of our present system of Government, and that its correctness had never been questioned. I will not insist on that which, in this instance, I have no reason to expect, the practice of the charitable maxim, “do unto others as you would they should do unto you;” but I desire gentlemen to reflect on the gross injustice they will commit, the glaring inconsistency to which they will be exposed, in the effort they are making to debar Georgia of a right which their States have uniformly enforced, and against which a silent murmur of discontent is not heard.

Let us now direct our attention to the State of New York. There is not one in the confederacy, whose laws have been so intimately connected and interwoven with the destiny of these people. There is not a hamlet or wigwam in the Onondagas, Oneidas, Cayugas, Tuscaroras, Mohawks, or Senecas, but what has been visited by the effects of her authority. She has interdicted their customs, and substituted, in lieu of them, laws and ordinances suited to a more advanced stage of civilization. Their property and liberty are secured or annihilated by her authority. In one of her statutes, we find agents appointed to lease their lands, and deprive them of the privilege of appropriating the proceeds according to their own will. She has purchased their lands, and forbid them selling to any one else; assigned a portion of it to the support of missionaries or ministers of the gospel; has instituted among them a civil code, and made its provisions imperative upon them; limited the time, and regulated the manner and qualifications of those capable of sitting in council; has pointed out the mode of their choosing their officers, and prescribed qualifications, such as an exemption from the use of spirituous liquors for one year preceding their appointment; and has not only regulated the causes of forfeiture of personal privileges, but of property. In the law passed in 1813, is the following provision: “If George Crosby neglects or refuses to support Sarah Davis, or if John Terhue shall neglect to support Elizabeth Conquehue, they shall forfeit their lands.”

But, sir, it is contended that the Indians of that State are exempt from the ordinary rule which governs others; that the disabilities which deprive Georgia of the right of extending her jurisdiction over those within her limits, have been obviated with New York, by an alliance or understanding with them. How this could have been effected, I am at a loss to determine. I have sought in vain for the compact, to ascertain its dates and terms. By the constitution, the States are prohibited from making treaties and forming alliances or confederations. If the treaty-making power be applicable to the Indians, the forming alliances or confederations must be equally so. How, then, this extraordinary prerogative should be enjoyed and exercised by New York, and denied to other States, is irreconcilable with a uniform constitutional system. Sir, the gentleman from New York [Mr. STORRS]

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Removal of the Indians.

[H. of R.]

has referred to the treaty held with the tribes of that State in the year 1785. I should have been spared the trouble of continuing the examination of subsequent treaties of that State, had not the treaty of 1794, bearing a striking resemblance to the treaty of Holston, held with the Cherokees, and which, he contends, affects the right of Georgia, escaped his vigilant research. By the provisions of the treaty of 1794, the United States recognised the various tribes in that State to be independent communities, by treating with them as such; acknowledged the lands within their certain boundaries to be the property of the Seneca and other tribes of Indians; that they had the right to the use and enjoyment of the same; and that they and their posterity had the right of disposing of it—not to the people of New York, or to that State only, but to the people of the United States. Thus, the law of that State, which forbade them selling to any one else, and the treaty held with them by this Government, differ.

In 1826, when a resolution was moved in this House, proposing an inquiry into the expediency of making an appropriation for holding a treaty with the Indians west of the Genesee river, in that State, the argument was then advanced, that the Seneca tribe, and those west of the Genesee river, held under their original title, and stood in the same relation to the United States as other tribes. No change has taken place in their political condition since. The laws of that State were then, and are now, operating upon them. When my colleague [Mr. Thompson] some time since introduced to our consideration a resolution, with a view to ascertain the moral and political condition of Indian tribes, we were then informed by the same gentleman, [Mr. Stouns] who advocated opposite doctrines in 1826, that all the Indians of that State should be exempted from the proposed inquiry, as they stood in a different relation to the United States to that of the Indians of other States, as, by mutual understanding, they had become the voluntary dependents of that State. Sir, in this I join issue with the gentleman, and defy the production of any written testimony which proves that the Seneca and other tribes in that State ever consented to the extension of the jurisdiction of that State over them. Yet it was done by her laws in 1822, and they have had no voice of pity raised in their behalf; no eye to see, or heart to feel for them. "Distance lends enchantment to the view" of those seeking objects on which feigned humanity is to operate.

Sir, it is unnecessary to further scan the course of policy pursued by other States. Georgia would disdain to exercise the authority if derived from precedents only. Let us proceed to inquire into the expediency of this Government extending its aid in the exertion of all honorable and necessary means to the effectuation of their removal and colonization. It is due to Georgia as a right, it is necessary to preserve unimpaired the plighted faith of the United States, and will meliorate the condition of the Indians themselves. The State of Georgia and the United States, since 1802, have occupied the attitude of creditor and debtor, without the benefit of an appeal to any tribunal or umpire to enforce the obligation, or to determine whether or not the debtor has acted in good faith. This perplexing and unpleasant situation, as might have been expected, has been the fruitful source of controversy between the State and the Federal Governments. It should be desirable to all to remove the cause, and, by so doing, put a termination to their well founded complaints. By the compact, the United States, so soon as it could be done "peaceably, and on reasonable terms," were bound to extinguish, for the use of Georgia, the possessory right of the Indians to all the lands within the limits of that State. Twenty-seven years have elapsed since the fulfilment of this promise was assumed. Two new and flourishing States, rising with Georgia in population and wealth, have been erected out of the territory she parted with, as the consideration of this undertaking; and, in apparent disregard

of the conditions of the compact, titles have been extinguished for other States (where there was no such obligation) to Cherokee lands, equal, if not greater than that claimed by Georgia. It is a maxim which the law enforces between individuals, that they must be just before they can be generous. It is equally correct in its application to communities or Governments; and had the United States acted in conformity to this principle, Georgia would have had no just grounds of complaint.

But a different course has been pursued, and the consequences are, that that State has an Indian population of five thousand souls, quartered upon five million two hundred and sixty-nine thousand one hundred and sixty acres of land within her limits, if we include in the estimate the disputed territory; nor is this all: not content with the rights of occupancy, they have erected within her bosom an independent Government, and claim the right of enforcing upon her citizens their bloody code. Under these circumstances, the alternative was presented, either to acquiesce, and tacitly admit the lawfulness of their pretensions to an independent Government, or, by an exertion of her sovereign authority, to prostrate all hopes to it. She chose the latter course; and there is sufficient moral firmness in that State to execute her lawful purposes, to disregard unjust censure, the cant of hypocrisy, or the movement of a political party, however masked under the imposing garb of philanthropy. But from this unpleasant situation it is desirable to be relieved; and is it not due to her, that the United States should act with becoming liberality, not with the view only of their transmigration beyond the Mississippi, but to fulfil her engagements with Georgia, and meet the expectations which her citizens reposed in the justice and integrity of this Government? There is no real or imaginary evil in voting for an appropriation, however large; no force is to be employed, no coercion contemplated. They will be left to their own judgment, and the adoption of their own course, uncontrolled by the restraints or exactions of this Government. If, in the full exercise of this discretion, they should prefer to emigrate, sooner than to remain subject to the authority of the States, affording the means to them to do so is only a compliance, so far as the Cherokees are concerned, with the obligations of the United States to Georgia. Should they decline an exchange of situation, no difficulty can occur. It will not be one of those fatal delusions where the error of misguided policy shall have compromised the interest of the Government beyond the hope of avoidance or escape. For, should the attempt be abortive, the appropriation, to the extent it shall not have accomplished its purpose, will remain unexpended. If successful, the United States will be reimbursed in the sale of the lands occupied by the Creeks, Choctaws, and that portion of the lands occupied by the Cherokees in the State of Alabama. Sir, if gentlemen are sincere in their regard for the future condition and welfare of the Indians; if feelings of disinterested benevolence are indulged for them; let past experience be the guide to direct, and the remnants of other tribes serve as beacons to admonish against the causes of their extermination: whether they have been of a moral, physical, or political character, it matters not. Should they remain where they are, as certain as a like cause produces the same effect, they will inevitably experience the same fate. It is admitted that they, in common with the human family, indulge their local attachments; and, unless inducements are offered, or there is a hope of bettering their condition, that they will reluctantly abandon their present habitation. But it cannot be denied but that there are countervailing considerations to induce a removal. Their game is destroyed. They are unfavorably situated to advance one grade above the wandering savage, to the life of herdsmen, which is the natural progress of society. A sudden transition from the former to the husbandman, is too great to be voluntarily

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Duty on Salt.

[MAY 20, 1830.]

adopted. It will not be until every other expedient is exhausted, and necessity forces it on them. It is incompatible with their inclinations and habits of indolence. The country to which they are invited is favorable in this point of view. Their relations and friends who have gone before them, have experienced the advantages of this change. Instead (as has been stated in debate) of their sending back their curses on us, they are soliciting their tribes to follow their example. Pass the bill on your table, and there is no doubt but that a part will go at once, and ultimately the balance could not be restrained—go they will.

Sir, we have had the most favorable representation given of the increasing improvement and comforts of the southern Indians, and that urged as an objection to their removal. It may be the case with a few chiefs and half breeds; but those best acquainted with the mass of their population, deny that it is so with them. Whoever has witnessed the progress of civilization, cannot be insensible of the great disparity which it produces in their situation. Its advancement is slow, and confined to a few. It elevates their standing, and acquires for them a controlling influence, which is directed to the advancement of their own interest, and that of their immediate connexions. The notions of separate property, which it begets, engender feelings of avarice, and their intellectual superiority enables them to gratify this propensity. The consequence is, that the property of the nation is concentrated in the hands of few, while nine-tenths of them are proportionably miserably poor, abject, servile, and degraded. I care not to which tribe your attention may be directed, to the Creeks or the Cherokees; the rapacity of the chiefs has reduced them to this state of poverty and degradation. Sir, I am admonished, that, unless I conclude my remarks, I shall not preserve my pledge to this House. I have, as briefly as I could, presented my views on the most prominent points introduced into this discussion. If the success of the bill has not been advanced by it, I have the consolation of knowing that I have discharged my duty.

After negating, during the evening, motions both for the previous question and for adjournment, about a quarter past ten o'clock a motion to adjourn prevailed; and, after a session of twelve hours,

The House adjourned.

THURSDAY, MAY 20, 1830.

DUTY ON SALT.

The bill reported yesterday, for reducing the duty on salt, being read a second time,

Mr. KING, of New York, moved that the bill be committed to the Committee of the Whole House.

Mr. McDUFFIE opposed this course, as merely going to produce delay and a defeat of the bill, which, if there was a majority favorable to the object, should be acted on immediately to effect its passage this session.

Mr. INGERSOLL moved that the Committee of the Whole be instructed to amend the bill, by adding thereto the following section:

"From and after the 30th September, 1830, the duty on molasses shall be five cents per gallon, and no more; and from and after that time, a drawback be allowed on all spirits distilled in this country from foreign molasses, on the exportation thereof to any foreign country, the same as was allowed before the tariff of 19th of May, 1828."

Mr. I. said, if there was one article on which the tariff of 1828 operated unjustly, it was that which he now sought to relieve. The injustice of the double duty imposed on molasses, in 1828, would be very generally acknowledged, and by none more frankly than those by whose votes the increase was effected. No man now would deny, indeed, it had already been distinctly admitted on this floor, that molasses was loaded with a heavy duty, at the period to which he alluded, for the purpose of rendering the tariff

odious. It was hoped by the southern gentlemen who voted it in, that the bill would be thus drugged by too heavy a dose to go down. In that they were disappointed, and he was glad to see a disposition, which had been expressed on a late occasion, by one of those who was in the vote, to undo what had in this respect failed to answer the object intended. Mr. I. felt more solicitude on this subject, at the present time, from having recently examined with care the report from the Treasury Department in regard to the commerce and navigation of the country for the year past. He found in that document that our trade with Cuba, the island from whence our greatest importations come, had declined nearly a million of dollars during the past year from what it had usually been. The cause of this decline was principally to be attributed, as he learnt from a most intelligent resident in that island, to the fact that, under our present heavy duty upon molasses, taken in connexion with the expense of freights and casks, the islanders could not make sales of the article to us to any extent; and they now actually spread over their land, and use as manure, immense quantities of molasses, which they would gladly exchange for the lumber and breadstuffs of our country, if we would but let the trade go on. Are gentlemen aware [said Mr. I.] that the trade with Cuba is one of the most valuable branches of our foreign commerce? It stands on the list next to England and France in amount; and strike out the articles of cotton and tobacco which go to these countries, and it will exceed our trade with both nations. Nay, sir, as a market for our breadstuffs, it is more valuable to us than all Europe. It is, too, a trade in which every section of this country is deeply interested—it has no sectional bearing. It takes, in large quantities, the rice of the South, the lumber of North Carolina, the grain and beef of the West which descend the Mississippi, and find there almost their only foreign market—the flour of the middle States, the corn meal, lumber, and live stock of New England. Besides this, immense quantities of our manufactured articles find an outlet there; not those manufactures which were noxious to some parts of this country, but those which are produced in the workshops of our mechanics in every State of the Union—such as hats, leather, carriages, shoes, harnesses, soap, candles, and cabinet furniture. A trade like this [said Mr. I.] is one of the last that should be shackled. We impose heavy duties on European goods, because we cannot barter away our breadstuffs or agricultural products for them: but here is a market which offers to take every thing that you will send—it invites to it every interest that can be named. Why then cripple it by an ungenerous regulation of your own; and why visit your heaviest tax upon the humblest article which goes into the consumption of the poorest people of the country?

Mr. I. said, he would say a few words as to the proposed reduction of the duty on salt, as he might not have another opportunity to give his reasons for the votes he had given, or should give, on that question. The salt trade of this country had not been correctly represented. We have heard much of the salt tax, as bearing severely and peculiarly on the poor: and so far as that was the case, he could go as far as any man in extending relief. But there never was a time, even when salt was duty free, that it could be had cheaper than it now can, even on the seaboard; and never so cheap in the interior, near the extensive salt works which have grown up under the operation of the existing duty. The bulk of our importation of salt, and on which most of the duty operates, is not the coarse West India salt used to pack provisions, and which is consumed principally by the poorer citizens; but the refined, or blown salt, as it is called, which we import from Liverpool, or other ports of Great Britain. The value of foreign salt imported during the last year, as appears by the treasury returns, amounted to seven hundred and fourteen thousand six hundred and eighteen dollars, of which four

MAY 21, 22, 1830.]

District Affairs.—Molasses and Rum.—Culture of Silk.

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hundred and sixty-seven thousand two hundred and thirteen dollars was imported, not from Turk's Island, or from any West India port, but from England and Ireland. This kind is imported principally in its refined and manufactured state, for the tables of the rich, and is as fair a subject for revenue as any one that can be named. He should be opposed to reducing the duty on this refined article; but would cheerfully reduce the duty on the coarse and strong West India or Turk's Island salt, because that was used by the poor, and goes largely into the agricultural operations of the country. He would reduce this, and leave the other untouched, for the same reason that he would reduce the duty on molasses and leave sugar untouched; in other words, he would lighten the tax from those who are least able to pay, and let the burden rest on those who use the most expensive, or what are generally deemed the most luxurious articles. Should the amendment which he now offered prevail, he pledged himself to follow it up by another, making a discrimination on salt, that he thought would be acceptable to every part of the House.

Mr. TUCKER, for the purpose of bringing on a discussion upon the bill by itself, moved the previous question; which motion being seconded by a majority, and the previous question being sustained by a vote, by yeas and nays, of 98 to 88,

The main question was then put, viz. "Shall the bill be engrossed, and read a third time?" and was decided in the affirmative by the following vote: yeas, 103—nays, 88.

DISTRICT AFFAIRS.

This being the day set apart by the rules of the House for the transaction of business relating to the District of Columbia,

Mr. BELL moved to suspend the rule, for the purpose of resuming the consideration of the bill for the removal of the Indians.

Mr. POWERS and Mr. TAYLOR opposed the motion, on the ground of the necessity for acting now on the bill for the punishment of crimes within the District, as further delay would prevent its passage at all this session. As to the provisions respecting slaves, the latter gentleman, although he was opposed in principle to the discrimination which had been contended for by the southern gentlemen, he did not believe, as regarded the practical effect, that it was of much importance, and was willing to take the question without a word of debate, and would be content, howsoever the House might decide it; he thought the compromise which had been agreed on, ought to satisfy its opponents; but the bill in some shape was indispensable.

Mr. ALEXANDER asserted that the people of the District would rather the bill should lie over till the next session, than have it passed in the shape it was; and, after a few remarks from Mr. MERCER and Mr. BAILEY,

The question was taken, and the House refused to suspend the rule.

Mr. ALEXANDER then handed to the Chair a letter from sundry citizens of Alexandria, containing their reasons against extending the provisions of the bill to slaves; and Mr. A. followed some remarks on the subject with a motion to postpone the bill till the first Monday in December next, with a view of collecting, in the mean time, through the commissioners, the sense of the people on it.

Mr. TAYLOR and Mr. POWERS opposed the motion, and Mr. J. S. BARBOUR advocated it.

The question being taken, the motion to postpone was negatived, by yeas and nays: yeas, 77—nays, 100.

Mr. ALEXANDER then moved a proviso to the bill: "that the act should not be construed to extend to slaves;" and on a division of the House, without debate, the proviso was agreed to: yeas, 81—nays, 77.

Mr. PEARCE then moved that the bill be laid on the table, with a view not to call it up this session, or any

other session, and asked for the yeas and nays; which being ordered,

The motion was negatived: yeas, 59—nays, 117.

The bill was then ordered to be engrossed for a third reading.

FRIDAY, MAY 21, 1830.

MOLASSES AND RUM.

Mr. McDUFFIE, from the Committee of Ways and Means, reported the following bill:

"Be it enacted, &c. That, from and after the 30th day of September, 1830, the duty on molasses shall be five cents per gallon, and no more; and from and after that time, there shall be allowed a drawback of four cents upon every gallon of spirits distilled in the United States, or the territories thereof, from foreign molasses, on the exportation thereof to any foreign port or place, other than the dominions of any foreign State immediately adjoining the United States, in the same manner, and on the same conditions, as before the tariff of May the 19th, 1828."

The bill being read the first and second time,

Mr. McDUFFIE moved that the bill be engrossed for a third reading.

A call of the House was moved, and ordered, but suspended before the Clerk had got through the roll.

Mr. WICKLIFFE moved to lay the bill on the table, and asked for the yeas and nays on the motion; which being ordered,

The question was taken, and the motion decided in the negative: yeas, 55—nays, 120; and

The bill was ordered to be read a third time, by a large majority.

CULTURE OF SILK.

The House resumed the consideration of the resolution reported by Mr. SPENCER, of New York, a week or two ago, for printing ten thousand copies of Mr. Rush's report on the culture of silk.

Mr. SPENCER replied to the objections which had been urged, on a former occasion, to this proposition, contending for the established value of the information contained in the report—the great importance of diffusing it through the country, in as much as silk might be successfully cultivated in every part of the Union—the great value to the country of that culture, and the importance of encouraging it by the distribution of instruction in the various processes of the art; to show all which, he adduced various facts and arguments, and a number of respectable authorities. Mr. S. concluded by offering a modification of the resolution, by order of the Committee on Agriculture, proposing to print—thousand copies of the report.

Mr. HAYNES, of Georgia, moved that the resolution and the amendment be laid on the table; and the question being put, the motion was negatived: yeas, 71—nays, 92.

Mr. POLK then rose to speak on the subject, but the expiration of the hour cut off further debate.

SATURDAY, MAY 22, 1830.

CULTURE OF SILK.

The House resumed the resolution modified yesterday by Mr. SPENCER, to read as follows:

Resolved, That six thousand copies of the report of the Committee on Agriculture, made to this House on the 13th of March last, with the communication accompanying the same, on the culture and manufacture of silk, and the like number of copies of essays on American silk, by Messrs. Peter S. Duponceau and John D'Homergue, recently published, be printed for the use of the House.

Mr. POLK opposed the resolution, on the ground that there was no more propriety in printing, and paying for,

out of the contingent fund of the House, instructions in the art and mystery of cultivating silk, than in printing and distributing the American Farmer, Taylor's Arator, a work on Farmery, or any other treatise on any branch of rural economy, &c.

Mr. CHILTON also opposed what he considered taxing the community some two or three thousand dollars, to print books for the use of the members, and to distribute amongst their friends; and argued generally against the practice of voting money out of the treasury for the purchase of books for private use. He had no doubt when the people recovered their senses—recovered from that convulsion, that apoplexy, in which they had been thrown by political demagogues, they would rectify this sort of retrenchment and reform. He concluded a number of remarks of the like trains, by moving to lay the resolution on the table, but withdrew it at the request of

Mr. SPENCER, who argued to show that the works which it was proposed to distribute, were not accessible to the people generally; that they were on a subject of immense importance to the country, and one which ought to be encouraged by the House; that the cost of the publication was insignificant, compared with the value which it would be to the whole Union, &c. When Mr. S. concluded,

Mr. CONNER moved to lay the resolution on the table; on which motion the yeas and nays were ordered, at the call of Mr. BAYLOR; and, being taken,

The motion was negatived: yeas, 76—nays, 97.

Mr. CHILTON then renewed his opposition to the resolution, and spoke until the expiration of the hour.

MONDAY, MAY 24, 1830.

CULTURE OF SILK.

The House resumed the consideration of the resolution, reported by the Committee on Agriculture, to print six thousand copies of certain tracts on the culture of silk, &c.

Mr. CHILTON, to get rid of further debate on the subject, moved the previous question; which being seconded, and the main question ordered,

Mr. MARTIN required a division of the question; and

The question being accordingly put on the first member of the resolution, viz. "That six thousand copies of the report of the Committee on Agriculture, made to this House on the 12th of March, 1828, with the communication accompanying the same, [Mr. Rush's report] on the culture of silk," be printed, it was decided in the affirmative by yeas and nays: yeas, 109—nays, 68.

The second member of the resolution, viz. "And the like number of copies of essays on American silk, by Messrs. Peter S. Duponceau and John D'Homergue, recently published, be printed for the use of the House," was then also agreed to by yeas and nays—100 to 80.

So the whole of the resolution was agreed to.

REMOVAL OF THE INDIANS.

The House then proceeded to the unfinished business of Wednesday last, being the bill providing for the removal of the Indians beyond the river Mississippi—the question pending being on a motion for the previous question.

On trying the sense of the House on seconding the motion for the previous question, only seventy-eight rose, and the motion was therefore not seconded by a majority of the House.

The question then recurred on the amendment.

Mr. BELL opposed the amendments, and argued briefly that the bill itself proposed an appropriation only to carry into effect existing contracts and treaties with the Indian tribes, according to their construction by the Government, and introduced no new policy, as was contended by the opposition to it. Therefore, the amendment was unnecessary.

Mr. STORRS replied, and contended that no treaty in existence contained the provision which his amendment proposed, and that it was therefore necessary and expedient.

Mr. WAYNE denied what the amendment assumed, namely, that the Cherokees were a nation independent of the State of Georgia. He expressed a determination to take an opportunity of going to the foundation of this question of Indian rights, and that whatever credit gentlemen might obtain for a fanciful eloquence, they should not have the benefit of the argument.

Mr. WILDE called for the reading of the eighth article of the treaty with the Cherokee Indians west of the Mississippi, of May 26, 1828, as a reply to the resolution of Mr. STORRS.

Mr. VINTON argued that as that treaty was made by the Cherokees west of the Mississippi, it had no binding effect on the Cherokees remaining on the east of the Mississippi. He commented on that treaty as a direct and gross violation of all justice, and expressed the indignation he had always felt at such an attempt to violate the rights of third persons.

Mr. BURGESS contended that the treaty of 1828 was practically a fraud, a deep and lasting disgrace to the last administration, and that this bill contained, by implication, a confirmation of that fraud, now attempted to be palmed upon this nation; to sustain which opinions, he adverted to the history of the treaty, and the circumstances growing out of it.

Mr. JENNINGS made a few remarks.

Mr. LEWIS opposed the amendment, and argued to show that the treaty which had been denounced, was just and proper, and cited the treaty with the Indians east of the Mississippi, to show that the bill before the House was in conformity to the settled policy of the Government. He read the Journal, to show that many gentlemen who opposed this bill, supported precisely the same provisions in 1826, when recommended by a different President; inferred from that, that the opposition to it was a party opposition to the administration, and to the South: that as this bill was known to be the leading measure of the present President, it was an object of great solicitude with the opposition to defeat it; and therefore called on those who avowed themselves the supporters of the administration, to sustain this measure; that, if they did not, they would be faithless, and traitors to their party. Mr. L. then proceeded at some length to vindicate the policy of the bill, and in reply to Messrs. STORRS and EVERETT. When he concluded,

Mr. STORRS rose, and said, that, as a gentleman from Pennsylvania [Mr. HEMPHILL] was about to offer an amendment to the bill, of a more extensive effect, and which would supersede the amendment now before the House, he would withdraw it until the question could be taken, or that which he [Mr. H.] was about to propose.

Mr. EVERETT, of Massachusetts, replied briefly to Mr. LEWIS's reference to himself, in which, among other remarks, he observed, that, if the provisions of the present bill were precisely the same as those which he had supported in 1826, it was singular that the gentlemen who now advocate this should have voted against that, as was the case with the members from Georgia itself; and he vindicated himself from the imputation of being influenced in his course on this subject by party considerations.

Mr. THOMPSON said that he did not rise to enter into a general discussion, at that time, of the subject then before the House—that although he had purposely abstained from a participation in the discussion of any of the various subjects which had engaged the attention of the House during the present session, with a special view to secure to himself the privilege of discussing this subject at some length, yet considerations of an important character had disposed him to abstain from the discussion; nor would he

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now trouble the House with any remarks upon the subject, for he thought the cause of principle and humanity could be better served by voting than by talking; but the gentleman from Massachusetts [Mr. EVERETT] had, on two occasions, alluded to the vote which the delegation from Georgia gave on the call of the late President of the United States [Mr. ADAMS] for an appropriation to carry what is commonly called the new treaty into effect. Mr. T. said that he felt that it was due to Georgia—to the gentlemen who composed that delegation—to correct principles—to the House, and to the American people, to state concisely the principles which influenced the Georgia delegation on that occasion. In February, 1825, [said Mr. T.] commissioners appointed on the part of the United States for the purpose, entered into compact with the Creek Indians; at the Indian Springs, by which they relinquished their claim to all territory within the limits of Georgia. This compact was transmitted to the seat of the General Government, and, with objections to its validity, was presented to the President, who laid that instrument, with the objections to it, before a cabinet council; and under the advice of the council, the treaty, with the objections, was presented to the Senate for ratification. That body, by a very large majority, gave their sanction to it. But before the ratification received executive sanction, the Presidential chair changed incumbents. Mr. Adams, who was a member of the council who advised Mr. Monroe to lay the subject before the Senate, succeeded to the executive chair, and finally gave the executive sanction to that ratification. Thus [said Mr. T.] that treaty, having received final constitutional sanction, became a supreme law of the land, and of course was by the constitution placed on the same dignified ground with the constitution itself, for that instrument says that "this constitution, and laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Now, sir, [said Mr. T.] the treaty of the Indian Springs having thus received constitutional sanctions, all the territory within the limits of Georgia, embraced by its provisions, became a part of the sovereign State—for as Georgia, by the issue of the American revolution, acquired the right to exclusive sovereignty within her limits, and as the United States, by the compact with Georgia, in 1802, bound themselves to extinguish the Indian title to all territory within Georgia, for the use of that State, the instant that those Indians thus relinquished their title, a full, perfect, and complete title to the territory embraced by the provisions of that treaty within the limits of Georgia, vested in that State, which could not be divested without her consent. Sir, [said Mr. T.] Mr. Adams, in his opening message addressed to Congress at the commencement of the session which immediately ensued his installation into the executive office, repudiated the treaty of the Indian Springs, (1825,) by suggesting that it was founded in fraud, but said he would make it the subject-matter of a separate and special message. This promise was not redeemed; but Mr. Adams assumed the right to enter into treaty with a delegation from that part of the Creek tribe of Indians which was known as hostile to the United States during the late war, by which he re-ceded to that tribe a part of the territory, a complete title to which had, by the ratification of the treaty of 1825, vested in Georgia; and this without the privy or consent of that State; thus virtually ceding to an Indian tribe a part of a sovereign State. Now, [said Mr. T.] if it was competent for Mr. Adams thus to re-cede to the Creek Indians a portion of territory which had thus become a part of a sovereign State, was it not competent for him to re-cede to those Indians, as well as to the Cherokees, all the territory obtained from them by previous purchases? And if so, what point of limitation could have stayed his wasting hand in a backward course of reckless policy? Concede this power to the

Chief Magistrate of the Union, and the white population may be driven into the Atlantic by a retrocession of the whole territory to the aboriginal inhabitants of this continent. Any or all the States of this Union might be sold by him to a foreign power. These [said Mr. T.] were the views which influenced the delegation from Georgia to give their vote against the treaty made by Mr. Adams with the Creek Indians, as well as against the appropriation to carry it into effect. And the principles upon which the delegation from Georgia acted on that occasion; are; it seems to me, [said Mr. T.] such as ought to have induced every honest and correct man, who had any knowledge of constitutional principles and provisions, to vote in opposition to such a daring violation of constitutional principles, such a monstrous stretch of executive power, as was committed by Mr. Adams on that occasion.

Mr. VINTON then took the floor, and addressed the House two hours against the bill. When he concluded, seven or eight members rose; but

Mr. DESHA, having obtained the floor, moved the previous question.

Mr. THOMPSON, of Georgia, moved a call of the House.

Mr. LAMAR, of Georgia, demanded the yeas and nays on this motion; which being taken, the call was ordered by a vote of 128 to 29.

The roll was then called, when it appeared there were seven members absent, two of whom soon after entered the Hall; and, after some time,

Mr. BROWN moved a suspension of further proceedings, which motion was decided by yeas and nays in the affirmative.

The motion for the previous question recurring, the House divided, and, tellers being appointed by the Chair, they reported ninety-three for putting the previous question, and ninety-nine against it.

Mr. WAYNE said, this question should be discussed with a deep sense of what is due to the reputation of our country. Great moral principles are involved—the construction of treaties is implicated—the characters of States are at stake—the weak are supposed to be oppressed by the powerful—and a large portion of the most active benevolence of our country is alert, to applaud or condemn, to exult or to grieve, at the termination of our legislation. It is true this benevolence is, in a degree, embittered by party spirit; and there are those here who would pervert it to that mischievous end. Fanaticism has given to it a coloring unfavorable to dispassionate judgment, and its purity is alloyed by selfishness. But it cannot be denied, for the memorials on your table show it, that among those who are opposed to the policy intended to be accomplished by the bill, there are many who are actuated by a spirit of disinterestedness, and a sincere sympathy for the Indian, excited by the misapprehension that he is about to be driven from the forests of his fathers, and to be made the victim of tyranny. Sir, the opposition, however, to this bill, neither in this House nor out of it, has been of a commendable kind; and when its provisions shall be calmly examined, and its policy shall have been realized in the condensation of an Indian population of sixty thousand souls in the region to which they are invited—living under the protection of this powerful nation—lifted up from the degradation of their savage habits into a state of society in all respects like our own, and running a parallel career of comfort, independence, and political connexion with ourselves—the sagacity of the historian will be at no loss to discover the causes of the opposition the plan has had to encounter, and he will be forced to write, at least, a reflection upon the short-sightedness and perverseness of that hostility which so perseveringly seeks to defeat a scheme so full of national disinterestedness and of moral grandeur, for the alleviation of human misery. But, sir, the present generation anticipates the condemnation of posterity in our successful repulse of this opposition; and

if this measure shall be carried by a single vote, or by your casting vote, Mr. Speaker—and no one more sincerely wishes you such an accession of honor to that you have already reaped in this struggle, and which never before, in the history of legislation, has been placed by fortune so repeatedly in the power of a presiding officer in a single contest*—the good which shall be done, even in the lifetime of those who are in the van of opposition, shall give to them a mortifying retrospection. But, sir, I will neither triumph in anticipation, nor permit myself to use an expression offensive to the most delicate of this humane and conscientious opposition, however much its earnestness may have obliterated the memory of the recent past, and though it acts with a terrible energy in an opposite direction to that which it took some three years since. Among those, sir, who have most cause to be offended, I can nevertheless look with serenity upon this opposition, and calmly detect the elements which compose it; admire the arrangement which has embodied the discontented in this House into a single phalanx, presenting uniformly, at every hour in the night and the day, when a vote is to be taken, an unbroken body of philanthropists, uniting in the single chorus,

"The miserable have no other medicine,
But only Hope."

And, in looking at the opposition out of this House, I, sir, must be permitted to distinguish from the deluded, and, to speak of him with respect, the venerable man who presided at the meeting which issued the New York memorial, thinking of him only as bearing a name associated with recollections which Americans love to cherish, and as an artist whose works will live when we are dead; and, if public report has assigned the authorship of "William Penn" to its proper owner, mistaken as are the principles of that publication, misled as the writer is, in the very heat of this controversy, I do not hesitate to bear witness to his being a man, whose name will be put high upon the catalogue of christian philanthropists, when our contentions shall be buried in the grave of coming generations. The cause we advocate needs not the proscription of its adversaries; and the principles which sustain us, should induce us to forbear, and to repress resentment at opposition, except where opposition has become misrepresentation. Though in its consequences it may seem to bear hard upon the interests of the State of which I am a citizen, I am glad to see it, for it will be another assurance to the world, that though our countrymen may have a mistaken subject of excitement, they are always alive to what may seem to press upon human rights; and that, in this land, nothing can be done to affect them, which will not stand the test of rigid and jealous scrutiny. It assures the world, too, that whatever may be done, in this instance, can only be done with the consent of a majority of twenty-four States; the greater number of them having no interest in the question, and therefore without temptation to be misled—thus presumptively vindicating whatever may be the result.

But, sir, I proceed to the discussion of the subject: and the first point of inquiry is, what was the condition of the Indian, in regard to his right to land or soil upon this continent, before and at the time of the arrival of the white man? This inquiry into the Indian's ownership of the soil, when he was first visited by the colonists, is forced upon us by the manner in which the whole question has been argued by our adversaries in and out of this House. I would willingly have avoided it, if it had not been made the source of fruitful imposition in this controversy. For effect, and to produce a sympathy to interfere with the understanding of the argument in support of the measure now before us, the Indian has been called the owner of the soil—that he generously permitted our ancestors to

partake of what the providence of God had given to him and his fathers as an inheritance—"that, as original tenant of the soil, by immemorial possession, he holds a title beyond and superior to the British Crown and her colonies, and to all adverse pretensions of our confederation and subsequent union." Sir, we meet the honorable gentlemen who so fondly revert to the rights of these early and first lords of the soil, and deny that the Indian had either ownership, proprietary right, or tenancy by occupancy, to the lands over which he roamed. It is commonly said, our ownership exists by purchase from the Indian, and that he was proprietor and sovereign of the soil. But both are said, only because he was found upon the continent at its discovery. That he was in possession of portions of land, which were in savage cultivation, over which he roamed for game and war—that several of the tribes had designated natural boundaries as the limits of their hunting grounds, and claimed such an exclusive use of it, against other tribes, no one will deny. But did the extent of their natural rights against each other give such a title or occupancy to all that they aggregately claimed, as to include a power to exclude others from seeking this continent as a resting place from persecution and want, and making it the land of civilization and christianity? Sir, they were proprietors of what they used, so long as it was used; but not sovereigns of any part. The one denotes a thing or place in possession: the other is, strictly, an artificial term, applicable only to that state of society where Government is sufficiently advanced to class those living under it in the community of nations; where there is individuality of possession and pursuit, and a recognition of the leading principles of conduct between man and man, with customs or laws to enforce the observance of them; and that compacted existence of a people, which separates them from others, and gives to them the name and attitude of a nation, in its relative position with other nations. Sovereignty over soil is the attribute of States; and it can never be affirmed of tribes living in a savage condition, without any of the elements of civilization, as they were exhibited in the nations of antiquity, or in those of modern times; whether they live under the pressure of Asiatic superstitions, or in the emancipated privileges of christiandom. Among the Indians of North America, an appropriation of the soil to individuals was unknown—nor had any of the tribes any institutions to indicate that the property in the soil was in the tribe, as was the case among the ancient Germans, except the fluctuating limits which a stronger tribe chose to assume, from time to time, to prevent hunting excursions within them by a weaker. Theirs was the hunter's state, and in a lower condition of it than had been known before by civilized man. Their hunger being appeased, from flood and field, individuals, or parties of each tribe, roved over the land in pursuit of game, without regard to the place in which it was taken; and their wanderings in the chase knew no bounds, except as they were regulated by the quantity of game, or as they ascertained the existence of some other tribe, using the adjacent land for the same purpose. Without formal conventions to fix boundaries, the tribes in the neighborhood of each other, in the course of time, knew the hunting grounds as they were separately claimed. A trespass by either upon the grounds of another, was followed by individual contentions or tribal war. Wars taught the savage prudence, or rather how to smother his revenge, until time or accident placed it in his power to slake his demon remembrances of supposed or actual wrongs in the blood and entrails of his enemy. When the relative strength of tribes prevented one from extirpating or enslaving another, the fears of each conceded to the other rights, not to the land or soil, but to the fish in its streams, and to the animals on its surface; and this usufructuary enjoyment was all that the Indian claimed. Can such a use of a country give a property in the soil? or did it, by

* In the course of the passage of this bill, Mr. Speaker Stevenson gave the casting vote three times in favor of the bill; and each of them were vital questions.

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the law of nature, empower the Indian to exclude the white man from making a settlement within the limits of the hunting grounds of the former, and maintaining his possession by force, if he had ability to do so?

But, sir, this question is settled for us; and, until this controversy began, I had not supposed it would have been overlooked or denied; and it is with some surprise that I have heard it stated, in the course of this debate, that it was the generous consent of the Indians which permitted our ancestors to begin the settlement of these glorious States, that we were intruders upon their possessions, and were now to repay their kindnesses to our forefathers by driving them into annihilation. Vattel says, folio 92, section 81: "The whole earth is appointed for the nourishment of the inhabitants; but it would be incapable of doing so, was it uncultivated. Every nation is, then, obliged, by the law of nature, to cultivate the ground that has fallen to its share; and it has no right to expect or require assistance from others any further than as the land in its possession is incapable of furnishing it with necessaries. Those people, like the ancient Germans and modern Tartars, who, having fertile countries, disdain to cultivate the earth, and choose rather to live by rapine, are wanting to themselves, and deserve to be exterminated as savage and pernicious beasts. There are others, who, to avoid agriculture, would live only by hunting and their flocks. This might, doubtless, be allowed in the first ages of the world, when the earth, without cultivation, produced more than was sufficient to feed its few inhabitants. But at present, when the human race is so greatly multiplied, it could not subsist if all nations resolved to live in that manner. Those who still retain this idle life, usurp more extensive territories than they would have occasion for, were they to use honest labor, and have, therefore, no reason to complain, if other nations, more laborious and too closely confined, come to possess a part. Thus, though the conquest of the uncivilized empires of Peru and Mexico was a notorious usurpation, the establishment of many colonies on the continent of North America may, on their confining themselves within just bounds, be extremely lawful. The people of these vast countries rather overran than inhabited them."

And the same writer, in his chapter upon the establishment of a nation in a country, remarks: "There is another celebrated question, to which the discovery of the New World has principally given rise. It is asked, if a nation may lawfully take possession of a part of a vast country, in which there are found none but erratic nations, incapable, by the smallness of their numbers, to people the whole. We have already observed, in establishing the obligation to cultivate the earth, that these nations cannot exclusively appropriate to themselves more land than they have occasion for, and which they are unable to settle and cultivate. Their removing their habitations through these immense regions cannot be taken for a true and legal possession; and the people of Europe, too closely pent up, finding land of which these nations are in no particular want, and of which they make no actual and constant use, may lawfully possess it, and establish colonies there. We have already said that the earth belongs to the human race in general, and was designed to furnish it with subsistence. If each nation had resolved, from the beginning, to appropriate to itself a vast country, that the people might live only by hunting, fishing, and wild fruits, our globe would not be sufficient to maintain a tenth part of its present inhabitants. People have not, then, deviated from the views of nature, in confining the Indians within narrow limits. However, we cannot help praising the moderation of the English puritans who first settled in New England, who, notwithstanding their being furnished with a charter from their sovereign, purchased of the Indians the land they resolved to cultivate." And, sir, is not this commendable moderation in regard to the Indians, which we now propose to pursue, but which gentlemen

from New England interpose to defeat, with an unfilial disregard of the source from which we draw the example of our conduct? Whenever it is said, then, that the Indian permitted the white man to occupy the lands we now possess, no more is meant than that he stipulated, for a price, to abstain from using the power of numbers to repress the settlement of a colony in its infancy. Every contract between the early settlers and the Indians will show it to have been the apprehension of the former that they were buying peace, and not lands—though, to preserve the first, it was necessary that some boundaries should be determined by the parties, within which each were to live in their accustomed manner. To acknowledge in the Indian a greater right in the soil than has been stated, and to have allowed it in practice, would be an admission of the propriety of his continuing to live in his irrational condition; irrational, because their numbers might have been supplied with food by the cultivation of a hundredth part of the territory which the tribes claim for the chase. For, notwithstanding it suits the purposes of gentlemen to call them great and powerful nations, which have dwindled into insignificance from their contact with the white man, who does not know that the fears of the colonists, the natural love of the marvellous in the savage, and his metaphorical expression of numbers, magnified hundreds into thousands, and the hundred tribes into which they were divided into millions of persons? Trumbull, in his history, gives a condensed but very satisfactory view of this point, which corresponds with the researches of the best writers upon the subject; and the question in regard to aboriginal population in the United States, when the colonists landed, is so well settled, that even the warmest admirers of New England antiquities no longer repeat the delusions of Mather and Neale. What, then, becomes of the position, so vauntingly assumed and repeated in the course of this debate, that God, in his providence, planted these tribes in this western world, and made them tenants of the soil by immemorial possession? The Indian the tenant of the soil! He never was so, in any sense of the word. But it is by the misapplication of such terms to his condition, to which civilized man has affixed a distinct meaning, descriptive of individual ownership in lands, that we are misled as to Indian rights.

Sir, God, in his providence, had been pleased to reveal himself to the man of another continent—his purposes towards him, in time and for eternity—what was his rational condition, his rights over the earth, though the penalty of his transgression—how the proper use of it would conduce to his comfort, and the increase of his species, and, by binding men in communities, would keep alive a social devotion to his Maker, and the remembrance of a hereafter, in which men are to live a life of immortality. It was this providence which gave to our fathers the right to plant themselves by the side of the Indian—to draw themselves, and to teach their degraded brother to draw, from their mother earth, bounties which he neither knew how to produce nor to enjoy. What though the Indian roved through the forests of America contemporaneously with the wanderings of God's chosen people in their escape from Egyptian bondage—time could give to him no right to more of the soil than he could cultivate; and the decree which denied him to be lord of the domain, was the Almighty's command to his creatures to till the earth.

Compare the present population of the world with its magnitude; and, if men were still roving tribes, without civilization or fixed habitation, its spontaneous productions of vegetables, fish, fowl, and animals, would be sufficient to prevent mankind from degenerating to the condition of cannibals. Sir, the civilized man of Europe, pinched by want, and worn down by intolerance, neither needed the edicts of popes, nor the charters of kings, to authorize him to make this western world his refuge. His wants admonished him to seek a land where his labors

would be rewarded by plenty; tyranny absolved him from all allegiance to the place of his nativity; and his right to make this continent the grave of himself and the home of his posterity, was, that the Indian claimed territories too large for the condition in which God intended man should be; and that the land which was not in individual as well as in tribal use, and only in use for hunting, was not such an occupancy as excluded others from its enjoyment, or which created an ownership which it was unjust to invade. Nor can the right for which I contend be refuted, until it can be shown that no pressure of want or tyranny will justify expatriation, and that, in our necessities, we are debarred from casting our eyes to those new regions which science and enterprise have discovered, and which God intended for the support of all which its surface, aided by cultivation, can maintain. The Indian, a creature like ourselves, had his share in this new world—and christians, coming among them, had no right to trespass, but only to partake. This was only a share—not a political right, or jurisdiction, or ownership, because God had placed him in the midst of these groves, mountains, and streams, to deprive his more civilized brother from resting in their shade, enjoying their grandeur, or partaking of their products, and to commit them as an inheritance to endless generations. I will not presume to inquire by what tremendous moral or natural convulsion a portion of the human race were separated from the rest, and allowed to degenerate into barbarism; but, knowing the fact, reason and the records of divinity tell me, as well by precept as by example, that, when resisted by the man of Europe, the savage of America was not in the condition which God intended his creatures to be—that their rights over soil or territory were limited to what they could catch or kill, to appease the cravings of hunger—to the spots upon which they may have built their huts—and that they had no such jurisdiction over the land, as would have justified them in refusing to receive from the emigrant a something as the pledge that they were to live in amity with him.

In this branch of the discussion, sir, I have advanced no principle inconsistent with the most rigid morality—none which it has not been convenient to gentlemen, in the ardor of their opposition, to forget; and I have been forced to occupy the time I have taken, the more effectually to disabuse the minds of many of a misconception of Indian rights over soil and territory, and of that amiable sympathy for early Indian generosity, which has been so dextrously turned into opposition to the present administration by the plaintive retrospection of our adversaries.

It is time, however, sir, to inquire into what was the political condition of the Indians in regard to England, after the country was colonized. Did they continue to be independent of that Government? And, if not, what portion of their independence was surrendered voluntarily, or taken away by conquest? Did the Indian, after having surrendered the right which he claimed to sell his hunting grounds, by acknowledging the pre-emption of them to be in Great Britain, retain any thing to himself but a qualified right of occupancy, with a political and civil jurisdiction over their persons and lands in the King of England? I shall not, of course, detain the House with references to the history of the many tribes of Indians which acknowledged themselves to be subjects of the King of England previous to 1756: but, in illustration of the jurisdiction claimed by the English over the Indian, and practically asserted, it will be well to refer gentlemen who deny any jurisdiction to the States over the Indians living in their limits, to the historical recollections of the treaties of Ryswick and Utrecht, between the English and French, and the last of which was ratified in 1713. In those treaties we find the English claiming dominion, exercising sovereignty, which was acknowledged by the Indians themselves, and admitted by the French, over the most formidable association of savages in North America, and the only

tribes having the semblance of government—the Five Nations. They are termed, in the treaty, the subjects of England, and are distinguished from other Indians living within the grants of the King, who are called the friends of England, but had not acknowledged themselves to be subjects. In regard to the latter, it is sufficient to assert, what cannot be denied, that all the tribes in the provinces, or on their borders, had acknowledged themselves to be subjects of the King previous to 1756, and no tribe more pointedly than the Cherokees. As early as the year 1730, they acknowledged England's King as their monarch, and received from the hands of his envoy, Sir Alexander Cumming, a commander in chief for the Cherokee nation. They sent a deputation of chiefs to England—"laid the crown of their nation, with the scalps of their enemies and feathers of glory, at his Majesty's feet, as a pledge of their loyalty." They not only stipulated, by treaty, to be the allies of England, in war and peace—but, by treaty, they were to surrender their own people for a violation of the rights of Englishmen, as well as Englishmen who might trespass upon them. By this treaty the King acquired a right to give a title to Cherokee lands, and the Cherokees became individually his subjects. Nor was their dependency and subjection to Great Britain in any way interrupted for twenty-five years.

When the disputes between the French and English, concerning their territories in America, brought on war, the Cherokees again acknowledged their fealty to the King of England; and though, at the termination of the war, they were seduced from their allegiance by the artifices of the French, and by the misconduct of some of our people, yet the war with them ended in their complete subjugation by Grant, Montgomery, and Stewart. Hostilities, it is true, ceased by treaty, but they were not treated as equals: and the King of England re-affirmed his sovereignty and jurisdiction over them, but left them in the undisturbed occupancy of their hunting grounds—still retaining the right to grant them, only subject to such occupancy. And this sovereignty and jurisdiction were exercised in various ways, for more than twenty years, and were shown in the most undeniable character, when, in the war of the revolution, the Cherokees obeyed the orders of England, and laid waste the frontiers of the Carolinas and Georgia. When the constancy of our people terminated what had been gloriously begun, by a glorious peace, England, subdued where she had waged the war, surrendered her sovereignty and jurisdiction of every kind over all the people within the boundaries of the United States. From that moment, not only Georgia, but every State in the confederacy, where Indians were, asserted, by their legislation, a jurisdiction over them and their lands; and, until very recently, notwithstanding the nature of the intercourse between the tribes and the United States, this jurisdiction of the States over the Indians within their limits had not been denied, even by implication. Nor is it now denied entirely, except in behalf of the Cherokees, who are supposed to be released from its operation by virtue of treaties between that tribe and the United States. The weakness, however, of such a pretence shall be shown, when the provisions of those treaties shall be examined, as they will be before I conclude.

The jurisdiction, sir, of which I speak, did not extend to a right, upon the part of the States, to deprive the Indians of their hunting grounds, without a cause, and without compensation; but it was exercised, as it had been done by England, in preventing them from selling any of their lands without permission from the States—though they were granted by the States without consulting the tribes, and the grantees took their titles, disburdened of every lien or encumbrance except Indian occupancy. The States claimed, and without any exception the Indians acknowledged they had a pre-emption of their lands. The

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States regulated their trade; and this without treaty stipulations, but in virtue of the authority to do so, which the Indians had conceded to England. The States punished them for violations of law, whether committed within the territory which had been reduced practically under their police, or without it. And, in short, the jurisdiction was asserted in every particular, and nothing was left to the Indians but an authority over each other, which, as savages, they had exercised, and which, in our then condition, it was inconvenient to the States to assume. This jurisdiction was asserted by Massachusetts as early as 1672; and the Indians' right to land in that "jurisdiction," was limited by statute to such as they had "possessed, improved, and subdued." At the same time, the Indians' right to sell land was prohibited, by severe penalties, without "license from that court." Nor were they permitted to "make grants for a term of years." All trade with the Indians in that province was forbidden, under the penalty of a confiscation of the merchandise, "because the trade of furs with the Indians in this jurisdiction doth properly belong to the commonwealth." And his excellency the Governor, with the consent of his council, was empowered to "appoint and commissionate discreet persons, within several parts of this province, to have the inspection and more particular care and government of the Indians in their respective plantations; and to have, use, and exercise the power of a justice of the peace over them, in all matters, civil and criminal, as well for the hearing and determining pleas between party and party, and to award execution thereon, as for examining, hearing, and punishing of criminal offences, according to the acts and laws of this province, so far as the power of a justice does extend; as also to nominate and appoint constables and other proper and necessary officers among them."

It would only have been discreet, too, in gentlemen from Massachusetts, Maine, Connecticut, and New York, who have zealously distinguished themselves by opposition to the measure now before us, to have examined more minutely than they appear to have done, into the nature and extent of the jurisdiction claimed by the States over Indians living in their limits. If they had done so, it is reasonable to think that the fear of the re-action of their reproaches against the State of Georgia, for having excluded the Cherokees from giving testimony, but in certain cases, in her courts, would have restrained them from the free indulgence of their regrets in that regard. Sir, in the State just mentioned, as the law stands at this day, the evidence of an Indian, though sustained by strong "concurring circumstances, amounting to a high presumption," in the only case in which an Indian is permitted by statute to testify, is nullified by the accused, if he will but swear the accusation to be untrue. Nay, sir, so far is this jurisdiction carried by Massachusetts, that a devise of real estate by an Indian was, and is to this day, null and void; and so uninterrupted has been the paternal superintendence of that State over these children of the forest, who have been cruelly subjected to laws, under which at least their numbers have not increased, though admirably calculated to give happiness, strength, and respectability to their masters, that, as late as 1805, we find statutory guardians appointed to have the care and oversight of said Indians and their property, with full power to superintend the same. All conveyances by them of lands in fee, or for a term of years, are declared to be "utterly void, and of none effect, except approved by their guardians." And, by a statute passed in 1810, so wholesome has been the operation of Massachusetts legislation upon the morals and increase of the Indians within her limits, and so carefully have they assured to them the rights of freemen, that no action can be sustained "in any court of law in that commonwealth, where an Indian is a plaintiff, unless the original will be endorsed by two or more of their guardians."

While, sir, I am upon the subject of Massachusetts jurisdiction over the Indians, permit me to remind those of her citizens representing her in this House, and who are so tender of Cherokee rights, that their State has distinguished itself by one memorable instance of punishment for a denial of her sovereignty over the Indians. The name of Roger Williams is familiar to the ears of gentlemen from the East; and the memory of the man is dear to all who love to trace the beginning of that christian liberty which is now exhibiting itself in triumph in every part of Europe, and which we so fully enjoy; for he was among the foremost, if not the first, of those men in England or America, who well understood, and were bold enough to preach christian toleration. Williams, however, was a politician as well as theologian; and though there was much contention concerning his orthodoxy, which exposed him to persecution, his life will bear me fully out in the declaration that he would never have been banished, if, in the zeal for Indian rights, he had not said that the charter of Massachusetts was good for nothing, as the soil and sovereignty were not purchased from the Indians. Neither threats nor persuasions could prevail upon him to refrain from the promulgation of this political opinion; and the magistrates of the commonwealth combatted it in the shortest way, by a sentence of banishment. Sir, the State of Georgia claims at the hands of the delegation from Massachusetts, in her present controversy, the benefit of this instance of the exercise of her sovereignty; and leaves, for their consolation, the reflections which may be drawn from the remembrance that the jurisdiction over the Indians within her limits, for which she contends, is sanctioned by the persecution of one of the most remarkable men of the age in which he lived, on account of his denial of it to Massachusetts.

Connecticut, too, sir, was not behind her elder sister in the assertion of her jurisdiction and sovereignty over the Indians within her chartered limits; and we find her early declaring "that all lands in this Government are holden of the King of Great Britain, as the lord of the fee; and that no title to any lands in this colony can accrue by any purchase made of Indians, on pretence of their being native proprietors thereof, without the allowance and approbation of this Assembly." She restrained and regulated trade with them as she pleased; and directed her selectmen to endeavor to assemble the Indians annually, "and acquaint them with the laws of the Government for the punishment of such immoralities as they may be guilty of, and make them sensible that they are not exempted from the penalties of such laws, any more than his Majesty's other subjects in the colony are." Purchases of lands from the Indians, "under color or pretence of such Indians being the proprietors of said lands by a native right," without leave from the Assembly, are forbidden, under severe penalties. The testimony of an Indian, though sustained by strong circumstances, is of no avail, if the accused will but swear to his innocence. And, notwithstanding Connecticut, by her representatives on this floor, remonstrates against any civil jurisdiction over the Cherokees by the State of Georgia, her legislators, in 1808, and only so far back as 1821, passed acts subjecting Indians in her limits to the same punishments as are to be inflicted upon white men who may transgress her laws; and the regulation of their property and persons is committed to that kind guardianship which their degraded condition requires, and without which they would be constant victims of imposition.

Sir, I pass over the laws of Maine, New Hampshire, Rhode Island, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, in all of which jurisdiction and sovereignty over the Indians in their respective limits are asserted, as well before the revolution as after it, and practised to the present day; and, though the gentleman from New York [Mr. Strong] has, by his manner of arguing this question, subjected the State which

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he represents, in part, to some animadversion, and himself to reproof, I will content myself with remarking that no State in the Union has more positively insisted upon her sovereignty over Indians, and their lands within her limits, than New York; and that her civil jurisdiction over their persons, both by the decision of her courts and her statutes, is affirmed in the strongest terms, as well over those Indians who have not ceded their lands to that State, as over those who have; and this, notwithstanding the establishment by the Indians of a Government for themselves, claiming to be independent of that State, as the Cherokees do of Georgia, and the existence of treaties between those Indians and the United States, containing the same assurances of protection and guaranties of territory, which, it is said by gentlemen on this floor, make the Cherokees a distinct and independent nation. Nor, sir, should we have heard a denial of the jurisdiction of the States over Indians within their limits, if the too zealous anxiety of gentlemen to defeat the administration, in this prominent point of its policy, had not caused an oblivion in their minds of the political history of our country. We have the records to show that this claim of jurisdiction was collectively admitted by the States, from the beginning of their first confederacy until after the adoption of the present constitution; and it will be for those opposed to us to prove when, how, and by what States, it has been surrendered to the United States. We call for the convention, agreement, the direct clause in the constitution, by which it is given up; or for any other which, by inference or construction, can take it away.

When a petition from a part of Virginia was laid before Congress, on the 1st of June, 1775, intimating "fears of a rupture with the Indians, on account of Lord Dunmore's conduct," and desiring commissioners to attend a meeting of the Indians at Pittsburg, it was ordered "that the above be referred to the delegates of the colonies of Virginia and Pennsylvania." Nor were there any subsequent proceedings in regard to it, without the consent and co-operation of those States. In less than six weeks, Congress, aware of the efforts made by English emissaries to excite the Indians to take up arms against the colonies, took such steps as the exigency required, to secure their friendship and neutrality; and three Indian departments were formed—the Northern, Middle, and Southern. But in none of their subsequent measures was the jurisdiction of States, over Indians in their limits, in any way infringed. And the first proof in support of the declaration I have made, is to be found in the proceedings of Congress on the 2d November, 1782, when a deputation from the Catawba tribe urged Congress to secure to them certain lands in South Carolina, to preserve them from being "intruded into by force, and not to be alienated, even with their own consent." Congress knowing where the jurisdiction was,

Resolved, "That it be recommended to the Legislature of South Carolina to take such measures for the satisfaction and security of the said tribe, as the said Legislature shall, in their wisdom, think fit."

And for the particular information of the gentleman from New York, [Mr. STORRS] that he may hereafter know the true ground of that State's jurisdiction over Indians within her limits, and, in his future discussions of this subject, either privately or in this House, that he may not mistake, and mistake it to be from voluntary concessions by Indians to the State, I refer him to the report of a committee of Congress, May 1st, 1782, and ask to be permitted to read it:

1st. "It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians, and their tributaries, have been, in due form, put under the protection of the Crown of England, by the said Six Nations, as appended to the late Government of New York, so far as respects jurisdiction only."

2d. "That the citizens of the said colony of New York have borne the burden, both as to blood and treasure, of

protecting and supporting the said Six Nations of Indians, and their tributaries, for upwards of one hundred years last past, as the dependents and allies of the said Government."

3d. "That the Crown of England has always considered and treated the country of the said Six Nations, and their tributaries, inhabiting as far as the forty-fifth degree of north latitude, as appendant to the Government of New York."

4th. "That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have, also, from time to time, by their public acts, recognised, and admitted the said Six Nations, and their tributaries, to be appendant to the Government of New York."

And, as a further reason for accepting the cession of land from the State of New York, to which this report related, it is concluded in these remarkable words: "That, by Congress accepting this cession, the jurisdiction of the whole western territory, belonging to the Six Nations and their tributaries, will be vested in the United States, greatly to the advantage of the Union." Words plainly showing the jurisdiction to be in the State, and the State's right to transfer it. Nor, sir, must it be said that these repeated recognitions by Congress of the States' jurisdiction over Indians within their limits, was owing to the terms in which that part of the ninth article of the confederation giving to Congress "the sole and exclusive right and power of regulating the trade and managing all affairs with the Indians not members of any of the States," is expressed; for the article is no more than the concession, embodied, of the States' jurisdiction: and the care with which it was intended to be retained by the States, is shown, by Congress only having conceded to it the power to regulate trade and manage all affairs "with the Indians not members of any of the States," and this, too, "provided the legislative right of any State, within its own limits, be not infringed or violated." But, in virtue of the authority given to Congress by the States over the Indians, Congress, by its proclamation of September 2d, 1783, exercised the authority which the Crown of England had done, in prohibiting settlements and forbidding purchases of lands inhabited or claimed by Indians, "without the limits or jurisdiction of any particular State." When it became necessary to prepare an ordinance for regulating the Indian trade, Congress exhibited the same commendable caution in regard to the States' jurisdiction over Indians in their limits, by resolving "that the preceding measures of Congress relative to Indian affairs shall not be construed to affect the territorial claims of any of the States, or their legislative rights, within their limits." But why, sir, should I fatigue myself, and exhaust the patience of this House, by citing additional proofs of what was the universal apprehension of the jurisdiction possessed by the States over Indians and their lands? Those who are curious in this matter, will see, by consulting the Journals of the convention, how repeatedly, in framing the articles of confederation, it was acknowledged. There is enough, sir, to shield the State of Georgia from the imputation of setting up any novel pretension in her claim of jurisdiction over the Cherokees, and their lands lying in the State, and pursuing the course to which she has been urged by circumstances, regardless of what may be said or thought. The State is prepared to maintain the position she has taken, against any coercion which may be attempted, and her functionaries are ready to defend her rights before any tribunal by which they can be constitutionally investigated. We ask for no more than other States have and continue to exercise, without having their claims of jurisdiction over the Indians in their limits questioned; and our authority, proceeding from the same common fountain, we shall not permit to be lessened, or any restraint to be imposed upon its exercise. Repeated calumnies against the State have taught her people to bear, with dignity, every slander upon its honor: and it is our pride that, though, in

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the many controversies we have had, she has been misjudged in the commencement, the State has never claimed a political or territorial right which has not been conceded; and time has uniformly given to her the vantage ground of vindication in the contention.

Where proofs of this jurisdiction in the States are so plain and numerous, as well historical as political, it becomes necessary for those who sustain it, to notice the grounds upon which it is denied. I shall state them fully, so far as they have been urged in this debate, and by those out of this House, who have distinguished themselves in exciting public opinion against the policy proposed by the bill on your table. It is said, in behalf of Indian independence generally, that, as early as 1763, the King issued a proclamation, forbidding settlements to be made upon any lands whatever, "which, not having been ceded or purchased, were reserved to the Indians." And, in support of Cherokee, Chickasaw, Choctaw, and Creek nationality and separate existence from the States and the United States, certain treaties between those tribes and the United States are cited as evidence. Now, sir, it unfortunately happens, for those who have such faith in the royal ordinance of 1763, that it asserts dominion over the Indians in terms, and merely reserves to them the unmolested occupancy of their "hunting grounds." "Whereas it is just and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to or purchased by us, are reserved to them, or any of them, as their hunting grounds," is the language of the proclamation. Here is the assertion of jurisdiction, and it is followed by a command to one class of subjects not to disturb another. If, at that day, any one of his Majesty's liege subjects in the colonies had used this proclamation as the basis of Indian independence, to the exclusion of England's sovereignty and jurisdiction over them, and had promulgated his doctrine, his career would soon have been stopped by a visit from the King's attorney, in the form of an information, to answer for sedition—if he had not, in the loyalty of the provinces, been made to share, in a more summary manner, the fate of Roger Williams. Banishment, sir, would have been a tender mercy for such political heresy. In the succeeding paragraph of the "royal ordinance" to that which has just been cited, forbidding settlements upon Indian hunting grounds, the King declares it "to be our royal will and pleasure, for the present, to reserve under our sovereign protection and dominion, for the use of the said Indians, all the lands and territories not included within the limits of our said three new Governments." Such, sir, is the support given to Indian independence by the proclamation of 1763; and, with this plain assertion of sovereignty by the King, I am warranted in supposing that gentlemen could never have arrayed it in support of their cause, if, in their haste to defeat the bill under consideration, they had not overlooked the contents of this "royal ordinance" and corner-stone of Indian independence. But the strong ground upon which Indian independence, and that of the Cherokees particularly, is placed, are the treaties existing between the United States and those tribes, entered into before and since the adoption of the present constitution. I shall take up the gauntlet which has been thrown down by the opposition in behalf of Cherokee independence, and am willing to make the treaty stipulations between that tribe and the United States the test of the jurisdiction of the States over Indians living in their limits.

The assumption in behalf of the Cherokees is, that they are an independent people, having a political sovereignty over, and title in fee to, the lands which they claim; that they are neither subordinate to the United States, nor subject to the jurisdiction of any of the States in which they

live; that they have the right to form a Government, which shall act not only upon themselves, but upon citizens of the United States who may transgress its laws; and that they have the ability to establish such relations between themselves and the United States, in future, as their interest or convenience may dictate. This independence is based upon treaties with the United States; and those of Hopewell and Holston are principally relied upon in support of it; the seventh article in the latter being a guaranty to the Cherokee nation of all their lands not ceded. The object which I now have in view is, to prove, without any reference to the authority which Georgia may exert over them, that the Cherokees, by their own concessions in the treaties mentioned, are debarred from establishing such a Government as now exists among them; and, of consequence, that they are not an independent people, and can have no attribute of a nation. The sixth article of the treaty of Hopewell deprives the Cherokees of the power of punishing Indians, or persons residing among them, or who shall take refuge in their nation, for robbery, murder, or other capital crime, on any citizen of the United States; and binds them to deliver the offender, to be punished according to her laws. And, by the seventh article, they have not the privilege to punish a citizen of the United States, who shall commit either of the offences just named upon an Indian. By the ninth article, the United States have the exclusive right of regulating the trade with the Indians, and of managing all their affairs in such manner as they think proper. The same power is in the United States by the sixth article of the treaty of Holston; and by the tenth and eleventh articles of the same treaty, the Cherokees are bound to deliver up criminals, refugees as well as Indians; and the United States reserves the right to punish its own citizens who shall commit crimes on Cherokee land. It must be kept in mind that, by the first and third treaties of Tellico, the treaties before existing between the parties are declared to be in force, together with the construction and usage under their respective articles, and so to continue; and the sixth article of the first treaty of Tellico is a repetition of the guaranty to the Cherokees of the remainder of their country forever. Is it consistent, then, with such powers as are conceded by the treaties of Hopewell and Holston to the United States, that the Cherokees shall form a Government, virtually excluding the operation of any action of the United States upon Cherokee concerns?—a Government which legislates for the punishment, by their own courts, of the refugees and criminals whom, by treaty, they are bound to surrender, to be punished according to the laws of the United States, the only instance in which they are permitted to punish a citizen being where persons intrude upon their lands without their consent: a Government which taxes the licensed trader, and forces a revenue from the vender of merchandise, when the sole and exclusive right to regulate their trade is in the United States; which inflicts the scourge upon the backs of your people, regardless of their cries that they are American citizens, and of the remonstrances of your agent, who, by treaty, lives among them to protect them from abuse, and our own people from that cruelty which, in the face of our institutions, permits polygamy as a fit indulgence for their chiefs and rulers, and twists a halter around the neck of every Indian who dares to enrol his name as an emigrant, or who attempts to persuade others to become so.

If the Cherokees have a right to establish an independent Government, they are disunited from the United States as well as the States, and can enter into alliances with foreign nations, except so far as they may be restrained by their treaties with the United States. But even this badge of sovereignty, and without which a people cannot exist as a nation, was surrendered by the second article of the treaty of Holston. Sir, it would have been well for gentlemen, before they had chanted their strains

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of Cherokee virtue, happiness, simplicity, and independence, to have acquainted themselves with the true position of that tribe, as fixed by treaties, and with their moral condition as a people. And it is not amiss for me now to inquire if their violations of the treaties, by the establishment of a Government which puts aside their concessions to the United States, have not released the latter from all obligation to maintain the guaranty of their territory. I have no disposition to conceal the fact, that, in the treaties with this tribe, there are expressions which seem to countenance the assumption that they are an independent people. But when interpreted in connexion with their concessions, their geographical position to the United States and the State of Georgia, and to Spain, before Louisiana and the Floridas were acquired by us, those expressions indicate no more than the caution which our Government used to prevent depredations upon our frontiers by a horde of savages, and an admission that they should continue to live upon their hunting grounds unmolested, and in the darkness of their own superstitious and savage laws, until, by the force of our example and aid, they could throw off their bondage.

We have heard it relied upon, too, that, in these treaties, the tribes are called nations; and the use of the word, from its ordinary acceptation, is suited, as the opposition know, to mislead persons in general as to what was the political character of the tribes in the apprehension of the United States, when they were treated with. At first, it would imply the concession of a separate and national existence. But it does not do so; and that it may not do so, I invoke the aid of Robertson, the historian, to put down the interpretation given to the word by "William Penn" and his coadjutors in this House—and the historian's authority will at least be considered entitled to an equality of weight with those who may have the temerity to set themselves up against him. In his fourth book, under the head of the Indians being divided into small communities, he says: "In America, the word nation is not of the same import as in other parts of the globe. It is applied to small societies, not exceeding, perhaps, two or three hundred persons, but occupying provinces greater than some kingdoms in Europe." The succeeding part of the paragraph, in which the philosophic historian denies the ownership of lands in the Indians, is also recommended to the perusal of such as assert it; and they will take kindly, I trust, my intimation that the whole chapter, having some connexion with this subject, will interest them.

But this question of Cherokee independence and right of self-government, of entire freedom from State jurisdiction, may be resisted by stronger arguments than inferences from treaties with the United States, which, upon a full examination of the constitutional efficacy of treaties, and the powers given to the United States to make them, will be found can neither give nor take away any right of an Indian. This confederacy consisted, originally, of States deriving their political existence from their joint declaration of independence, and the subsequent acknowledgment, by the definitive treaty of peace, that they were free, sovereign, and independent States; and England, in these remarkable words in the treaty, relinquishes to them, as individual States, "all claims to the Government, propriety, and territorial rights of the same and every part thereof." Their boundaries were declared in their charters, or grants; and in the collective declaration in the treaty of peace of the boundaries of the United States, those which each State claimed for itself are comprehended. Within the boundaries of these States, Indian tribes lived, having hunting grounds reserved for their use, and of which they could not be deprived but by their own consent, and for a price.

By the articles of confederation, the right to regulate the trade and to manage all affairs with the Indians not members of any of the States, was given to the United

States. The readiest mode of exercising these powers was by treaty; and it not being then well understood what tribes, from their scattered condition, were within the States, the United States negotiated with them, without a particular reference to this limitation of their powers, and without a certain knowledge of the location of the tribes; the exigencies of the States in the war with Great Britain, making it essential that their friendship and partiality should be secured. But, after the war, the common danger no longer menacing the existence of the States, no sooner did the United States make a treaty with any tribe of Indians, than the States began to look into its provisions to see if they were consistent with the grant of power to "regulate the trade and manage all affairs with the Indians not members of any of the States." The treaty of Hopewell, with the Cherokees, was at once protested against by North Carolina and Georgia, for its invasion of their legislative rights. A protest, in such a case, was all that was necessary, especially as the United States did not, by legislation, attempt to enforce those clauses of the treaty which were noxious to the rights of the protesting States. It must be kept in mind that, up to this period, the United States had made no guaranty to the Cherokees of their lands. Thus matters stood between the United States, the States, and the Indians, until after our present constitution had been ratified by the States. In 1791, the United States made with the Cherokees the treaty of Holston, and, by virtue of a clause in the constitution, to "regulate commerce with the Indian tribes," they assume the right "solely to guaranty to the Cherokee nation all their lands not hereby ceded;" and from this guaranty it is argued the Cherokees are independent, having a right of self-government, and free from the civil jurisdiction of the States. That is, the right of the United States "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," is so expansive a power, that, because commerce may be regulated by treaty, the United States are empowered to dissolve, by treaty, all the political relations between the States and Indians living in their limits; to make them an independent people, with an ability to form a Government and State within the acknowledged limits of other States, though, by the third section of the fourth article of the constitution, it is declared, "no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress." Sir, so monstrous a concatenation of construction it is only humane to strangle in its birth; and I trust it lies dead in all its deformity.

If, when the constitution was presented to North Carolina and Georgia for ratification, it could have been foreseen that a direct power to regulate commerce with the Indians would have been interpreted to mean the destruction of their jurisdiction over their territories, and involved a power in the General Government, by treaty stipulations with Indian tribes, to disarm those States of the power of legislating for them whenever they should be in a condition to enforce their laws, does any one believe that, with all the advantages of union in prospect, those States would have become parties to a compact which destroyed the integrity of their boundaries? No, sir; something else would have been heard than the protest against the treaty of Hopewell; and the jurisdiction of those States over Indians within their limits, would have been admitted in terms in the constitution. But fortunately for the cause of the State of Georgia, her jurisdiction over the Indian hunting grounds within her limits has been acknowledged in practice by the United States, and is the foundation of all the rights claimed and exercised by the United States in Alabama and Mississippi. In the articles of agreement and cession between the United States and the State of

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Georgia, the State of Georgia cedes, and the United States accept, all the right, title, and claim, "which the said State has to the jurisdiction and soil of the lands which were the subject of negotiation;" and the United States "cede to the State of Georgia whatever claim, right, or title they may have to the jurisdiction or soil of any lands," as set forth in the second article of the convention; and which, upon examination, will be found to comprehend the Cherokee hunting grounds in the State of Georgia. And, by this same convention, the right and jurisdiction of the State over Indian lands within her limits, which had not been ceded to the State or the United States by the Indians, is admitted, by the confirmation of every actual survey or settlement made under the act of the State of Georgia, entitled "An act for laying out a district of land, situate on the Mississippi, and within the bounds of the State, into a county, to be called Bourbon, passed the 7th day of February, 1785." I could multiply similar concessions of jurisdiction of the States over Indian lands by the United States, by reference to the cessions of Virginia, of the Northwest Territory, and of North Carolina or Tennessee; but it is sufficient merely to mention them.

Gentlemen, in speaking of the expense which will attend the removal of the Indians, have kept out of view the actual annual expenditure of the Government at this time, for superintendents, agents, sub-agents, and interpreters, amounting to at least seventy thousand dollars, and which will be lessened and entirely got rid of if the southern tribes shall be colonized. The contingencies for the Indian Department were, in the year 1829, one hundred and three thousand five hundred and eighty-six dollars; for annuities, two hundred and two thousand five hundred and ninety-one dollars; and for the removal of Indians, and to carry treaties into effect, three hundred and twenty-nine thousand eight hundred and fifteen dollars were drawn from your treasury. It is time that some system had been adopted to lessen the expense of our Indian relations, or, at all events, to prevent an increase. The plan of colonization proposed will do much towards checking the evil. As matters now stand, we are menaced with its increase; for the Indian augments yearly the price for relinquishing his hunting grounds, and the incidents of holding treaties with them, for partial cessions of land, are daily becoming more expensive. But let them become convinced that their colonization to the west of the Mississippi is the established policy of the Government; that they will be treated with only upon the footing of acre for acre; and that land shall be the principal consideration in the exchange—and this nation will be relieved from future disbursements of greater magnitude than the cost of their removal.

Sir, I invite gentlemen in the opposition to look at our expenditure, year after year, for holding treaties with Indians for cessions of land, under our present system, and they will be startled at the sums paid to commissioners, secretaries, interpreters, messengers, bakers, and butchers; for the erection of buildings, council houses, mess houses, kitchens, and cabins; for corn, beef, pork, and salt—not alone for the subsistence of the Indians and their families while the treaty is in progress, but for their support on their return home. And then come those hundreds of contingencies of horses for expresses and their riders, stationery, pipes, tobacco, paint, and ammunition, and medical attendance, with a swarm of *et ceteras*, the cost of which is never known until a demand is made for payment—and the reserve of all these abuses is a heavy item of goods for distribution to the Indians. Sir, if gentlemen will but look into the particulars of the system now existing, they will see cogent reasons to forward the policy of colonization. But a more forcible appeal is made to our humanity in behalf of the Indian. Formerly, goods and clothing were accepted by them for the largest cessions of lands; or, if money was given, the sum was trifling. Now,

besides a price which forbids the hope of reimbursement by sale, annuities are demanded, and must be given. In proportion as they have less land, and are told the value the white man places upon his possessions, their demands increase, and every year presents an increasing difficulty in the way of negotiating with them. Does it require much sagacity to see that, in a few years, this system must be brought to a close, by its own pressure upon our finances; and that then the Indian, crowded upon by the white population, will be abandoned to his fate—to be annihilated as have been the Mohicans, Oneidas, and Mohawks? Is not the colonization of the Creeks, Choctaws, Chickasaws, and Cherokees, better than such a result? And I call upon the benevolent feelings of the opposition to vindicate their course to this nation, by telling it what plans they have in view to prevent so certain a calamity to the objects of their mistaken kindness.

There is one other topic upon which, as an American, I feel bound to say a few words. In this discussion, it has been more than once said that the Indians have been an oppressed, aggrieved people; that, from the beginning of their contact with the white man, they have suffered wrong; and that even their moral condition is in part the fruit of our oppression; and I have heard no one raise his voice to vindicate the chronicles of our country from such scandal. Where is the proof of it? In what history is it to be found? Or what tradition of their own tells it to the world? In what State in this Union was more done than was just enough to guard our people from massacre, and their settlements from desolation? From the coming of the pilgrims to the landing of Oglethorpe, every settlement, except Virginia, was preceded by purchase, or negotiations for peace; and as often as the war cry was raised by the savages, our fathers' hearts turned in kindness to them, before the blood on the tomahawk was dry, and whilst the scalps of the infant and mother were green. Is our unkindness to them to be found in the early efforts of a Mayhew and an Elliott, to give to them the blessings of christianity? or in the millions expended by the nation to familiarize them to the comforts of civilized life? Sir, I assert, without the fear of contradiction, that our military annals are free from any excesses against the Indians, and that we never turned war into desolation, until the barbarities of the savage admonished us that there was no medium between peace and destruction.

Mr. SPENCER, of New York, next took the floor, and occupied an hour and a half in a review of the topics introduced into the debate, and in stating his objections to the bill. He concluded at eight o'clock, when the call for the question was loud and general; and no other gentleman rising to address the House,

The question was put on the amendment reported by the Committee of the Whole to the bill, viz. that, in executing the provisions of the bill, the faith of treaties with the Indians shall not be violated—and concurred in: *yess*, 141—*nays*, 54.

Mr. McDUFFIE then rose, and said he was satisfied it was the solemn duty of the House to come to a decision on this subject. He was not going into the argument, but he wished to say this was a practical question. Whatever we may think here, [said he] the State of Georgia has assumed an attitude from which she will not shrink; and if we refuse to exercise the power which we may constitutionally assume on this question, the guilt of blood may rest upon us. I demand the previous question.

Tellers were appointed to count the members, who reported ninety-seven for the previous question, and ninety-eight against it; so it was not seconded.

Mr. HEMPHILL then rose to propose a substitute for the bill, which was (as nearly as its substance could be gathered from the reading of it by the Clerk) to provide for the appointment of three commissioners by the President and Senate, not to be residents of any of the States

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Removal of the Indians.

[MAY 24, 1830.]

immediately interested, who should go through the Indian tribes east of the Mississippi, and ascertain their disposition to emigrate—then to explore the country west of the Mississippi, and ascertain the quality and extent of the country which could be offered to the Indians in exchange for their lands east of the river, and on what terms they would make the exchange, dispose of their improvements, &c. and remove, and report the whole to the President, to be laid before Congress at its next session; and appropriate thirty thousand dollars to carry the provisions into effect.

Mr. H. said that, at this late period of the debate, he would not trespass long on the patience of the committee, but would abridge what he had intended to say. Sir, [said he] it is endeavored to place this important question on party grounds, but it is too important: it deeply involves both the political and moral character of the country. The President has recommended the measure generally; and the amendment I have offered treats that recommendation with the highest possible respect. It proceeds with caution; and in the most respectful manner, to obtain the necessary information. The President has not more sincere friends in the United States than those of his party who prefer this amendment to the original bill; and I predict that they will be discovered to have been his most discreet friends on this occasion.

By the original bill, this measure is to be accomplished with the consent of the Indians. Still we have an important task to perform, and that is, to convince the world that it is not done under circumstances which leave them no choice.

It appears to me that the people of this country are not prepared for this question; they have not as yet had an opportunity to reflect upon it. We all know that no petitions have been presented to us in favor of the measure. We know, too, that remonstrances against it from many parts of the country are numerous. The honorable gentleman from Georgia [Mr. WILDE] made, as I thought, an unsuccessful attempt to weaken this state of the case. He said, if I rightly understood him, that the excitement was partial, and that the silent speculators ought to be considered as acquiescing in the proposed measure. This is not the practice of the people of this country. An excitement on one side always rouses the other, (if there be any other.) The silence, therefore, which is claimed as an acquiescence on this occasion, is rather to be considered as a solemn warning that we ought to act with the greatest caution and circumspection. How does the amendment which I have had the honor to propose, treat this truly important question? Not, I will say, with common care, but with the highest possible respect that can be paid to it. Its object is to obtain information before we act. It has been intimated that some of us do not understand the subject as well as those in the neighborhood of the Indians. This may be very true, but we have a great desire to understand it thoroughly. There are important points which ought to be fully and fairly known. The President, as I observed, has recommended this measure generally, but, in this recommendation, he has not indicated the mode and manner of carrying it into effect. The substitute attempts:

It proposes to send three disinterested commissioners, to be appointed by the President, by and with the advice and consent of the Senate, who are to obtain all the information deemed necessary. They are to ascertain, in the first place, whether the Indians, in their national capacity, as heretofore considered by the United States, are willing to remove to the west of the Mississippi. If they are willing to exchange lands for this purpose, the commissioners are next to compare the country which they leave, to the country to which they are to be sent. A knowledge of a few points is extremely important. The first is a description of the country west of the Mississippi, and the

condition and probable number of the Indians who now occupy any part of it. If it is a hunting country, we are to presume that much of it is inhabited by the western Indians. We have some partial account, it is true, from agents, but the evidence in relation to the character of the country, and the numbers and condition of the Indians there, is equally defective. The original bill confines the Indians to be removed, to that part of any territory to which the Indian title is extinguished, (if there is any extinguished.) The amendment allows of a larger scope. There may be land adjoining, better adapted to Indian pursuits, and which may be purchased. The Cherokees who have removed, have a good country, it is said, but there is no room for any more Indians there. The Creeks wish no more to come among them, and the Choctaws have their own boundaries. We are almost entirely ignorant of the country required for from seventy to a hundred thousand Indians, who are contemplated to be removed. We do not know what western tribes may be there, or whether they may be willing to leave their hunting ground peaceably. We do not know what force may be necessary to protect the removed Indians, for, whether the numbers be great or small at first, the force to protect them must be the same. The army must be able to meet the numbers and hostile dispositions of the western Indians.

By the third section of the original bill, the President is solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and to their heirs and successors, the country so exchanged. What is the meaning of this section as connected with the sixth, which says, that it shall be lawful for the President to cause such tribe or nation to be protected at their new residence against all interruptions or disturbance from any other tribe or nation, or any person or persons whatever? Are we to be under a lasting obligation to take a part in all their wars? Do gentlemen see the extent and uncertainty of the expense in which we are to be involved? In these regions there may be many Indian tribes, and we cannot foresee the frequency of their wars. I wish to call the attention of the House to the practical operation of the fourth section of the bill. By it Indian improvements are to be appraised and paid for, and then to pass into the possession of the United States, and possession shall not afterwards be permitted to any of the said tribes. In the first section of the bill, the Indians are described as tribes or nations, who may choose to exchange lands. From this it would seem that they are to be negotiated with in their national capacity. But the fourth section has an individual respect. By this, the improvements claimed by any individual or individuals can be appraised and purchased. Now, I wish to know the real meaning of the bill. First, is it designed to treat with the Indians to gain their national capacity? and, secondly, if consent is not given by the tribe or nation, is it intended to go to individuals, and purchase from A, B, and C? If this is the intent of the bill, it ought to be plainly stated in the statute book. The fourth section is obscure and unsatisfactory. Suppose the United States should purchase many improvements, and give possession to white men; would they then have a right, in common with the Indians, to their hunting grounds? In Georgia and Tennessee the title to the relinquished lands would be in those lands, while the improvements belong to the United States.

The substitute which I have offered is designed to obtain information only, and leaves the removal bill to be drawn up hereafter. I think it will be judicious to have but one set of commissioners, as they will be enabled to judge of the relative state of things on each side of the river. And as they are only to take a general reconnaissance, their report may be prepared by the next session. A year's delay cannot be an object in a case so interesting. The commissioners are to inquire into the probable expense

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The Marine Corps.

[H. of R.]

which will be incurred on both sides of the Mississippi, previous to the removals. It would be inhuman to expose them to the forests or the prairies; a third or fourth part of their number would be apt to perish. Those who are not in the habit of hunting must have some lands cleared, and implements of husbandry must be taken.

Before we appropriate five hundred thousand dollars, and embark in this boundless and expensive project, the information required by the substitute is well worth obtaining. To adopt this course will be pursuing the recommendation of the President in the most wise and dignified manner. It will relieve him from too high a responsibility. Under the provisions of the original bill, the expenditure of so large a sum could scarcely be made to the satisfaction of the country. It must of necessity be placed in the hands of agents who may use their influence to obtain the consent of individuals, and, by so doing, foment divisions among the tribes, and destroy their peace and happiness.

After information obtained, Congress should take the responsibility on themselves, and lay down in detail the mode and manner of the removals, and let the President carry the law into execution. This mode will be most satisfactory to the people, and give them time for reflection. It will besides appear in a more amiable light than the original bill, to the foreign nations whose attention will be attracted by this movement. It will conform best with the practice and principles of Penn., whose memory my native State delights to honor.

Sir, these are my views of the comparative merits of the original bill and the substitute. The state of ancient and modern Indians is too large a field for me at present. This must be an affair of history. I feel a consciousness of my incapacity to give any glowing description of Indian wrongs. Against the aborigines who once possessed this fair country, what complaint have we to make? In what degree are their scalping knives and tomahawks to be compared to our instruments of death by which we have overthrown their powerful kingdoms, and reduced the whole fabric of their societies, with their kings and queens, to their present miserable condition? How little did they expect, three hundred years ago, that a race of human beings would come from beyond the great waters to destroy them. Their fate, we all know, is now irrevocably sealed. Their extermination is certain. Still, as a generous nation, we ought to act towards them with the strictest fairness, and attend to their glimmering existence with more than ordinary humanity.

The honorable gentlemen in favor of the original bill, doubtless entertain the opinion that it is best calculated to promote the happiness of the Indians: I, however, think differently. This is a matter of opinion; but such are my convictions and feelings, that I can never vote for the original bill.

The substitute has another decided advantage. It is most suitable to the present state of the treasury, and may leave something for other objects of importance.

Mr. THOMPSON, of Georgia, said he had forborne to take up the time of the House in delivering his views at large on the bill, and he was therefore privileged, he thought, in again demanding the previous question, [which would of course put by the amendment.] Accordingly,

Tellers were appointed to count the House, who reported ninety-eight in favor of, and ninety-eight against the previous question. The SPEAKER voted in the affirmative: so the motion for the previous question was seconded.

Mr. MILLER, of Pennsylvania, said he could not permit the main question to be taken without one more effort to arrest this measure. He therefore moved to lay the bill on the table, and called for the yeas and nays, which were ordered; and, being taken, the motion was negatived: yeas, 94—nays, 103,

Mr. BATES then observed that there was a gentleman

absent from indisposition, who could not vote to-night on the bill, and, to give him an opportunity to-morrow, moved an adjournment, and called for the yeas and nays, which were ordered; and the question being put, the motion was negatived: yeas, 84—nays, 112.

The previous question was then put, "Shall the main question be now put?" and the votes being ninety-nine to ninety-nine, the SPEAKER voted with the yeas, and decided the question in the affirmative.

So the main question was at last put, "Shall the bill be read a third time?" and was decided in the affirmative by the following vote:

YEAS.—Messrs. Alexander, Allen, Alston, Anderson, Angel, Archer, John S. Barbour, P. P. Barbour, Barnwell, Baylor, Bell, James Blair, John Blair, Bockee, Boon, Borst, Bouldin, Brodhead, Brown, Cambreleng, Campbell, Carson, Chandler, Claiborne, Clay, Coke, Coleman, Conner, Hector Craig, Robert Craig, Crawford, Crocheron, Daniel, Davenport, Warren R. Davis, Desha, De Witt, Drayton, Dwight, Earli, Findlay, Ford, Foster, Fry, Gaither, Gilmore, Gordon, Hall, Hammons, Harvey, Haynes, Hinds, Hoffman, Howard, Hubbard, Isaacs, Jennings, R. M. Johnson, Cave Johnson, Perkins King, Lamar, Lea, Lecompte, Loyall, Lewis, Lumpkin, Lyon, Magee, Martin, Thomas Maxwell, McCoy, McDuffie, McIntire, Mitchell, Monell, Nuckolls, Overton, Pettis, Polk, Potter, Powers, Ramsey, Rencher, Roane, Scott, Wm. B. Shepard, Shields, Speight, Richard Spencer, Sprigg, Standifer, Sterigere, Wiley Thompson, Trezvant, Tucker, Verplanck, Wayne, Weeks, C. P. White, Wickliffe, Wilde, Yancey.—102.

NAYS.—Messrs. Armstrong, Arnold, Bailey, Noyes Barber, Barringer, Bartley, Bates, Beekman, Burges, Butman, Cahoon, Childs, Chilton, Clark, Condict, Cooper, Cowles, Crane, Crockett, Creighton, Crowninshield, John Davis, Deberry, Denny, Dickinson, Doddridge, Dorsey, Dudley, Duncan, Ellsworth, George Evans, Joshua Evans, Edward Everett, Horace Everett, Finch, Forward, Gorham, Green, Grennell, Hawkins, Hemphill, Hodges, Hughes, Hunt, Huntington, Ihrie, Ingersoll, Thomas Irwin, William W. Irvin, Johns, Kendall, Kennon, Kincaid, Adam King, Leiper, Letcher, Mallary, Martindale, Lewis Maxwell, McCreery, Mercer, Miller, Muhlenberg, Norton, Pearce, Pierson, Randolph, Reed, Richardson, Rose, Russel, Aug. H. Shepperd, Semmes, Sill, Samuel A. Smith, Ambrose Spencer, Stanbery, Stephens, Henry R. Storrs, Wm. L. Storrs, Strong, Sutherland, Swann, Swift, Taliaferro, Taylor, Test, John Thomson, Tracy, Vance, Varnum, Vinton, Washington, Whittlesey, Edward D. White, Williams, Wingate, Young.—97.

[The only variation between the last vote and the preceding votes on the previous question, &c. was, that, just before the final vote, Mr. DICKINSON (who had been previously absent from indisposition) came in, and voted against the third reading—and Messrs. DWIGHT, FORD, RAMSEY, and SCOTT, who voted against the previous question; because, as was understood, it superseded Mr. HEMPHILL'S amendment, voted for the third reading, after that amendment was set aside by the previous question.]

TUESDAY, MAY 25, 1830.

THE MARINE CORPS.

The joint resolution reported by Mr. CARSON, from the Committee on Naval Affairs, some days ago, proposing to continue the pay of the officers of the marine corps, as it was prior to March, 1829, until the end of the next session of Congress, was taken up—the question being on its third reading.

At the suggestion of Mr. DRAYTON, the word subsistence was inserted after "pay," and the word allowances after "emoluments."

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The Impeachment.—Removal of the Indians.

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Mr. WICKLIFFE objected to the resolution, and handed to the Chair a long letter from the Fourth Auditor, explaining his reasons for the construction which he had given to the law; which letter was in part read, and then suspended, at the request of

Mr. CARSON, who explained the necessity for the resolution, by referring to the hardships under which the officers labored in consequence of the reduction of their pay, by the construction of the present Auditor. The Auditor himself thought the pay allowed by him was insufficient, but he conceived he was restrained by the law from allowing more. The object of the resolution was to authorize the Auditor to make the same allowance as had been made by his predecessors, until the end of the next session, when Congress would have time to legislate on the subject, and put the matter on its proper footing.

Mr. McDUFFIE said, the case which the resolution proposed to relieve, was one of extreme hardship and injustice. He threw no blame on the Auditor for his construction, but it made a most unjust discrimination between the officers in the two branches of the service, which it was intended should be put on the same footing. The act organizing the marine corps, in express terms says, the colonel shall receive the same pay, &c. as a colonel in the army; but the army officers are paid by one construction, and those of the marine corps by another, and that now adopted for the latter has altered the construction which has prevailed for thirty years, and deprived them of a third of their pay. The consequence of this sudden curtailment [said Mr. McD.] is, that some of the officers will have to go to jail unless they are relieved by Congress.

Mr. WILLIAMS observed that, if the difficulty was a mere matter of construction, the Auditor could return to the former one, and obviate the grievance; but if the interpretation be matter of legal certainty, we cannot change it by this resolution, and in this point of view he resisted this resolution. A legal provision can only be changed by the same legal formality that established the law complained of, and this resolution, therefore, could not reach the case, as it could not authorize the Auditor to construe the law differently.

Mr. MILLER remarked that this was a case of a somewhat extraordinary character. The Auditor had, by his construction, reduced the pay of the officers of the corps below what they could possibly subsist on, and, had it not been for the unfortunate illness of the chairman of the Naval Committee, a bill would have been reported to remedy the difficulty; but, as that had not been done, it was thought this joint resolution would answer the purpose until Congress could legislate formally on the subject.

Mr. DRAYTON would not undertake to censure the Auditor; his construction might be correct, but the officers of the corps suffered great hardship by it, and he thought he could, in a few minutes, satisfy the House that such was not the intention of the law, whatever interpretation its language might admit. Mr. D. then proceeded to show by argument, and by a reference to the laws, that the marine corps was included in all the provisions of the acts relating to the pay of the army, and that something ought to be done to obviate what he conceived to be the misconception of the Auditor. He had not concluded his remarks, when the expiration of the hour arrested the debate for to-day.

THE IMPEACHMENT.

Mr. STORRS, of New York, observed, that, as the Senate would meet to-day as a court of impeachment, for the purpose of receiving the answer of the respondent, Judge Peck, it was indispensable that the House come to some order immediately on the subject. He therefore moved a resolution that the House would, in Committee of the Whole, attend the Senate during the trial of James H. Peck.

Mr. PETTIS said, he would like to know some reasons why the House should attend the Senate during the trial. Unless the attendance were absolutely necessary, it would be better to be employed in the transaction of its ordinary business, and let the managers appointed by the House attend the Senate, and conduct the prosecution. If the House adopted this resolution, [said Mr. P.] the attendance on the Senate would take up the whole time of the next session, and nothing else would be done.

Mr. STORRS observed that this resolution was conformable to the usage of the House on former occasions. The House would receive, at twelve o'clock to-day, a message from the Senate, that they are ready to receive the House, and that seats are prepared for them. The House would only have to go there to-day, and be present while Judge Peck puts in his answer to the impeachment; the House will come back, and the Senate will adjourn as a court until the second Monday of next session. If the House be not present, the Senate cannot receive the plea of the accused.

Mr. PETTIS insisted that the presence of the managers would be sufficient, and that, if the House resolved to attend the Senate during the trial, there would be little other business done during the next session.

Mr. SUTHERLAND thought it would be wrong to adopt the resolution. It would be very proper to go to the Senate to-day, and be present at the opening of the court for the impeachment, and receiving the answer of the accused; but afterwards, unless some very pressing occasion should require it, the presence of the House would be unnecessary. The object in appointing managers, was to leave it to them to conduct the impeachment. He cited Jefferson's Manual to sustain his opinion, and moved to modify the resolution so as to provide that the House would attend this day.

Mr. STORRS. Then we shall have to adopt a similar one every day, as the attendance of the House is indispensable to the continuance of the prosecution:

Mr. WILLIAMS said he would like to learn from the SPEAKER what the practice was in such cases.

The SPEAKER observed that every member was as competent to inform himself and judge as the Chair; but there was no doubt the uniform practice had been for the House to be present at the trial, as the accusers and prosecutors.

Mr. STORRS then entered into a somewhat detailed examination of the subject, in reply to Messrs. PETTIS and SUTHERLAND, to show that the presence of the House was necessary. The appointment of managers was not intended to dispense with the presence of the House, but merely to act for the House, as it would be inconvenient for so large a body to act for itself, and the managers could take no step without consulting the House, which must, therefore, be present.

Mr. McDUFFIE hoped his friend from New York would remove the present difficulty by accepting the modification of Mr. SUTHERLAND, and order for future arrangements could be taken hereafter.

After a few remarks by Messrs. MERCER and SUTHERLAND, Mr. STORRS accepted the modification, and the resolution was agreed to as follows:

Resolved, That this House will, this day, at such hour as the Senate shall appoint, resolve itself into Committee of the Whole, and attend in the Senate on the trial of the impeachment there pending of James H. Peck, judge of the district court of the United States for the district of Missouri.

REMOVAL OF THE INDIANS.

The House having, on motion of Mr. BELL, postponed the intervening orders, resumed the bill of the Senate, providing for the removal of the Indians west of the Mississippi; when

Mr. HEMPHILL rose, and moved that the bill be re-

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committed to the Committee of the Whole House, with instructions to amend the same in the manner proposed last evening by Mr. H.

Mr. BELL was decidedly opposed to the recommitment, and deprecated re-opening the general discussion of the bill, which must grow out of the motion. Full opportunity had been given [said Mr. B.] for debating the measure, and every one must have come to the conclusion that the adoption of the amendment would be a rejection of the bill. He opposed the amendment on various grounds, asserting that no three living men could perform the duties proposed by the amendment in twenty-four months, much less in six months, as was required—and was proceeding with his argument; when—

A message was received from the Senate, announcing that it was now sitting as a court of impeachment, and was ready to receive the House of Representatives for the purpose of having the plea and answer of James H. Peck, in answer to the articles of impeachment preferred by the House.

On motion of Mr. STORRS, of New York, the House then resolved itself into a Committee of the Whole, Mr. P. P. BARBOUR being called to the chair, and proceeded to the Senate chamber, and, after being absent two hours and a half, returned, and

The SPEAKER having resumed the chair, the House proceeded to the business which had been suspended.

Mr. BELL made a few additional remarks against the recommitment of the bill, and concluded by moving the previous question, (the effect of which, if sustained, would be to put aside the motion to recommit, and take the question on the passage of the bill.)

Mr. VINTON moved a call of the House, which was ordered: yeas, 86—nays, 76; and

The roll being accordingly called over, and one hundred and eighty-six members answering,

A motion was made to suspend further proceedings in the call, on which the yeas were demanded and ordered; and, being taken, the call was suspended—110 to 85.

Mr. PEARCE then moved that the House adjourn; alleging, as his reason, that a member was absent, who was known to be in the city. On the motion for adjournment, the yeas and nays were required and taken, and the motion was negatived: yeas, 19—nays, 177.

[While the yeas and nays were calling, the absent member returned to the House.]

Tellers were then appointed to count the House, with a view to ascertain whether the motion for the previous question was seconded, who reported ninety-six in favor of seconding the motion, and ninety-six against it. The Chair voted with the affirmative, and the previous question was ordered.

Mr. SUTHERLAND inquired of the Chair whether it was competent for the presiding officer to give a casting vote on seconding a motion; which the SPEAKER replied to in the affirmative.

Mr. EVERETT, of Massachusetts, inquired whether every member present was not bound by the rules to vote on every question, [it being obvious that all the members in the House had not voted in the division just taken.]

The previous question, "Shall the main question be now put?" was then put, and decided in the negative by the following vote: yeas, 98—nays, 99.

So the House decided that the main question should not now be put; and the effect of this decision, according to the rules of the House, was to remove the bill from before the House for the day.

WEDNESDAY, MAY, 26, 1830.

THE MARINE CORPS.

The House resumed the consideration of the resolution reported by Mr. CARSON, from the Committee on Naval

Affairs, in relation to the compensation of officers of the marine corps; and,

After further debate thereon, the previous question was moved by Mr. CARSON, and, being seconded by a majority, the previous question was put and carried; and the main question, on ordering the resolution to be engrossed for a third reading, was decided in the affirmative by yeas and nays.

REMOVAL OF THE INDIANS.

The House resumed the consideration of the bill to provide for the removal of the Indian tribes west of the Mississippi—the motion of Mr. HEMPHILL to recommit the bill, still pending,

Mr. GILMORE, of Pennsylvania, made a remark or two, expressive of his approbation of the bill, and read a letter from the late Mayor of Pittsburgh, commending the report of the Committee of this House on Indian Affairs. Mr. G. then moved the previous question.

Mr. CONDUCT moved a call of the House; and the yeas and nays being required by Mr. BURGESS, the motion for a call was carried—134 to 57.

The roll was accordingly called, and it appeared that two members [Messrs. FORD and RAMSEY] were absent from the House.

Mr. MILLER stated that his colleague [Mr. RAMSEY] was indisposed.

On motion of Mr. EVERETT, it was ordered that the Sergeant-at-arms notify the absent members to attend, and that the House, in the mean time, suspend business.

In a short time Mr. FORD came in; and, after waiting nearly an hour,

Mr. STERIGERE stated that the messenger sent to Mr. RAMSEY's lodgings had returned, and brought word that he was not there.

Mr. LUMPKIN moved that Mr. RAMSEY be excused from attending, and that the House resume its proceedings.

Mr. BURGESS demanded the yeas and nays on this motion.

Mr. MILLER then came in, and said he was obliged to state to the House that Mr. RAMSEY could not be found.

Mr. WAYNE said, it would be unprecedented, if a member who, it was stated, was sick, should not be excused. Ought the House to remain longer idle, after suspending its business nearly an hour, because of the anxiety of gentlemen to get an individual member here, who was said, too, to be sick? He thought, if the member was sick, as stated, tenderness to his family ought to prevent his friends from urging his attendance.

Mr. BELL hoped the friends of the bill would wait a short time longer for the arrival of the absent member, as gentlemen opposed to the bill desired it—so that the question, when decided, should be decided by the full voice of the House. While Mr. B. was speaking,

Mr. RAMSEY entered the Hall, and the House proceeded to business.

Tellers were then appointed to ascertain the sense of the House on seconding the previous question, and, on counting the members, reported ninety-eight for, and ninety-six against it. So the motion was seconded.

The previous question, i. e. "Shall the main question be now put?" was then put, and decided in the affirmative by the following vote: yeas, 101—nays, 97.

So the House determined that the main question should now be put.

The question, "Shall the bill pass?" was accordingly put, and decided in the affirmative: yeas, 103—nays, 97.

So the bill was passed, and ordered to be returned to the Senate for concurrence in the amendments.

[The bill, as it passed the House, was as follows:]

"Be it enacted, &c. That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States west of the river Mississippi, not included in any State or organized Territory, and to which the Indian title has been extin-

guished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described, by natural or artificial marks, as to be easily distinguished from every other.

"Sec. 2. *And be it further enacted*, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the States or Territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the States or Territories where the land claimed and occupied by the Indians is owned by the United States, or the United States are bound to the State within which it lies to extinguish the Indian claim thereto.

"Sec. 3. *And be it further enacted*, That, in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

"Sec. 4. *And be it further enacted*, That, if upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements; and, upon the payment of such valuation, the improvements so valued and paid for shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

"Sec. 5. *And be it further enacted*, That, upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and, also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

"Sec. 6. *And be it further enacted*, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

"Sec. 7. *And be it further enacted*, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided*, That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

"Sec. 8. *And be it further enacted*, That, for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated."

[The Senate subsequently concurred in the amendments made by the House.]

BALTIMORE AND OHIO RAILROAD.

Mr. HOWARD moved to suspend the orders of the

day, with a view to go into Committee of the Whole on the bill authorizing a subscription to the Baltimore and Ohio railroad.

Mr. H. said, that no member of the House was less disposed to be importunate than himself; but he felt himself bound to act, from the deep interest felt in the matter by those whom he had the honor to represent; and he trusted that the House would sustain the motion. The bill to which he alluded, stood upon different grounds, he believed, from every other bill upon the subject of internal improvement now before the House. The State of Maryland had exerted its fiscal powers in promoting the system to a great extent, by the subscription of a million of dollars to this and another object, and, of course, had contracted a debt to that amount. For many years past, she had fostered improvements by legislative aid; and the capital to make them had been drawn chiefly from the city of Baltimore. It had suited the purposes of Congress, for the benefit of the West, to make the Cumberland road; but of what avail [Mr. H. asked] would have been that immense expenditure, unless Maryland had, out of her own resources, continued the road from Cumberland to tide water, at the cost of considerably upwards of a million of dollars, drawn also chiefly from the capital of the people of Baltimore? In no part of the United States could a spot be selected where the inhabitants had employed a greater proportion of their resources in the formation of roads than that city—the benefit of which enures to other parts of the Union as well as to themselves. The enterprise in which they are now embarked, was one of a vast and clearly national character, and eminently deserving of the support of Congress. By acceding to the confederacy, Maryland had yielded up the power of collecting taxes by imposts; and having laid as heavy burdens upon her citizens as the reserved power of taxation will justify, having, besides expending large sums of money, contracted a million of dollars, she has certainly a right to call upon the General Government for a portion of those funds which her own citizens pay into the national treasury. Mr. H. said that he knew that every moment of the time of the House was precious, and he would not, therefore, allow himself to say any thing further upon the topic, however interesting to himself.

Mr. SPENCER and Mr. WILLIAMS opposed the motion.

Mr. BROWN observed that he had not intended saying a single word on the motion now pending before the House, because he had heretofore urged, when a similar motion was made, what he thought sufficient reasons to induce the House to consider this bill; but he could not agree to let the remarks of the gentleman from New York [Mr. SPENCER] go unanswered. That gentleman had thought proper to travel out of this House into the other branch of the Legislature, to hunt up something which he could bring to bear on this question. Sir, the gentleman has told this House, that the bill authorizing a subscription on the part of the Government to the Baltimore and Ohio railroad, in the other branch of the Legislature, had been indefinitely postponed, or laid on the table, with the express understanding that it should not be called up again this session. Now, sir, the gentleman is mistaken in his whole statement. The bill in the Senate has neither been indefinitely postponed, nor laid on the table, with the understanding stated by him; the bill has simply been laid on the table, and can be called up again at any time when the Senate may think proper to do so.

The gentleman urged another reason why the motion now pending should not prevail. He has told us that we have a number of bills on our table, which have passed the Senate, and must pass the House to become laws. Now, sir, it is well known that, during the three last days of the session, no bill can be taken up in either House of Congress that has not passed the other House; this I un-

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derstand to be the operation of the rules of this House during those three days. The House will perceive there will be sufficient time to act upon the bill from the Senate; and unless the railroad bill is acted on either to-day or to-morrow, it must lay over with other unfinished business. With these remarks, he submitted the question to the House, with the hope that the motion of his colleague will prevail.

Mr. BELL said, he had never supported any measure of this kind, nor did he expect to support this one; but he would say, that if any measure of internal improvement deserved the patronage of the Government, it was the Baltimore and Ohio railroad. It was a great and patriotic undertaking; a bold experiment entered upon—not upon the faith of the resources of a great State—not with the expectation of assistance from the General Government—but it was planned and proceeded in, and upheld by the public spirit and enterprise of a single public spirited and patriotic city. The work, if accomplished, was likely to benefit greatly many other parts of the country besides Baltimore and the State of Maryland. The Company have thought that a part of the common treasure of the country might as well be bestowed for the accomplishment of their great work as upon any other; and those who represented them upon this floor, had been compelled, by the vote of the House, to yield their claim to be heard, from month to month, and from week to week, during the greater part of the session, because measures of more general interest and importance continued to engross the time of Congress. But, [said Mr. B.] would it be any thing more than common courtesy, did not a spirit of justice and generosity require that the rule of the House should be suspended, that the gentlemen from Maryland should have an opportunity of laying their claims to an appropriation before Congress? He thought so, and earnestly hoped the House, for reasons he had assigned, would sanction the motion.

Mr. IRVIN, of Ohio, moved to include in the motion the Senate's amendments to the bill providing for surveys, &c.; and

Mr. INGERSOLL moved to include the bill authorizing a subscription to the Farmington and Hampshire canal—a work which he said was of great importance to a large portion of the Union; one on which between eight hundred and nine hundred thousand dollars have been expended by private subscription, and which needed only a trifling aid from the Government to ensure its completion, &c.

Mr. DUNCAN observed that there were a great many bills which it was equally important to act on; and if the House commenced taking bills up out of their order, it would be fatal to others. He was in favor of proceeding with the business in regular order, and therefore moved to lay Mr. Howard's motion on the table; which motion prevailed; yeas, 91—nays, 74.

THE BRITISH COLONIAL TRADE.

The SPEAKER laid before the House the message of the President, respecting the anticipated information from England, relative to our commercial relations with that country; which being read,

Mr. CAMBRELENG, chairman of the Committee on Commerce, moved to refer the message to that committee. [Some gentleman around observing that it ought to go to the Committee on Foreign Affairs.]

Mr. CAMBRELENG added, that the message related to the commerce of the country, and ought to go to that committee; another reason for moving which, was, that he had for some time given his attention to the subject, and had already prepared a bill to meet the object of the message.

Mr. ARCHER, chairman of the Committee on Foreign Affairs, moved to refer the message to that committee.

Mr. WILLIAMS expressed the opinion that such messages were always sent to the Committee on Foreign Affairs.

Mr. CAMBRELENG was not anxious about the matter,

but it had been the uniform practice [he said] to refer such subjects to the Committee on Commerce.

Mr. RAMSEY was indifferent what committee the message was referred to, so that it did not go to the Committee on Commerce or the Committee of Ways and Means. Those committees were in the habit of taking cognizance of subjects not committed to them, and reporting bills concerning the revenue, without instruction—one tapping the treasury at one end, and the other at the other. He had seen the Committee on Commerce and the Committee of Ways and Means reporting bills, the effect of which would have been to empty the treasury instead of filling it—to throw the country at the mercy of foreign nations, and compel us in the interior even to send abroad to have our horses shod.

Mr. DRAYTON referred to the rules to show that the message might go, with propriety, to either of the committees moved; but the practice had been to refer such communications to the Committee on Commerce. As the present message related exclusively to our commercial relations with a foreign country, Mr. D. thought it came properly within the province of that committee, and he made a number of remarks to sustain this opinion.

Mr. McDUFFIE said he felt no sort of interest in this contest between the two committees, and cared not how it was decided. But he saw no necessity for the gratuitous charge against the Committee of Ways and Means, which the gentleman had gone out of his way to make, which was utterly false, and could be founded only in gross ignorance. He would defy any old woman in this House or out of it, whether scolding or not scolding, to fix on that committee the charge which had been alleged against it by the gentleman from Pennsylvania. He thought that every member in this House, however ignorant he might be, must know that every branch of the revenue of the country was, by the rules of the House, given in charge to the Committee of Ways and Means, and was always before that committee, and that it would be perfectly competent for that committee to-morrow to bring in a bill to revise the whole revenue system of the country, without any special instruction from the House. Nothing but the grossest ignorance could have given rise to the charge which had been made by the member from Pennsylvania against the committee.

Mr. RAMSEY said he was not ignorant of the rules of the House, or the duties of the Committee of Ways and Means; but the chairman of that committee was ignorant of the true policy of the nation, and had evinced that ignorance by the bills which he had reported during the session, affecting the revenue. That gentleman has called me an old woman; but—[the Speaker admonished Mr. R. that the question was on the reference of the message.] Sir, [continued Mr. R.] he has called me an old woman, and it is my duty to repel it. I have always understood that the duty of the Committee of Ways and Means was to take measures to fill the treasury, not empty it. That gentleman has shown his sense of this duty, by just voting for a bill (the Indian bill) which tapped the treasury at one end, while he professed to fill it at the other. I will tell that gentleman that I was in the field of politics before him—but I will not use the expression I was about to do—and now to stand up and be told that I am an old woman. Sir, whatever that gentleman may think of my knowledge of his duties, he shows but little knowledge of them himself, when he is seen day after day, and time after time, doing all he can to empty the treasury, instead of filling it. Sir, I can say no more.

Mr. EVERETT, of Massachusetts, thought the message was certainly of a kind to require the action of the Committee on Foreign Affairs, and that it could go, with propriety, to no other. If the message should be found to contain anything requiring the action of the Committee on Commerce, that part of it could be sent to that committee. The reason assigned by the chairman of that committee for

H. of R.]

The Veto.—The Colonial Trade.

[MAY 27, 1830.]

moving the reference of the message to it, namely, that he had prepared a bill in anticipation, was a reason with him [Mr. E.] for preferring another committee. He would rather that a committee should take up the subject that had made up no opinion on it, &c.

Mr. CAMBRELENG replied. He did not [he observed] wish to detain the committee on a mere question of reference, but he rose for the purpose of noticing a use which had been made by the gentleman from Massachusetts [Mr. EVERETT] of a remark which had fallen from him. That gentleman had seized on it with avidity, and spoke of the "draught of a bill," which he had referred to. Mr. C. said he had the draught of many bills; he had the draught of one which was rejected by that gentleman and his friends, at half past two o'clock in the morning, in 1827. If that gentleman's friends had not labored so zealously to defeat the very bill which was substantially a copy of the one which would probably now be required—if they had not defeated that measure, the commerce with the British West Indian colonies would never have been interdicted. The "draught" of that bill, which the gentleman and his friends rejected then, will answer our purpose now. The same committee that reported the measure in 1827, were probably more familiar with the commercial regulations which would become necessary in case the trade should be opened during the recess. He was not solicitous about it, but wished to facilitate the business of the House.

After some further debate on the part of Messrs. P. P. BARBOUR and McDUFFIE, the question was taken, and the message referred to the Committee on Commerce: yeas, 86—nays, 81.

THURSDAY, MAY 27, 1830.

THE VETO.

A message was received from the President of the United States, by Mr. Donelson, his private secretary, returning the bill which originated in this House, and which had passed both Houses, for authorizing a subscription to the stock of the Maysville and Washington Turnpike Road Company in Kentucky, with his reasons at large for refusing to sign the same. [See Appendix.]

The message was read through by the Clerk, and heard with great attention.

When the reading was concluded, there arose a hurried and anxious debate, involving no principle of the bill, but merely the question whether the bill should be reconsidered *instantly*, or whether the reconsideration should be postponed until to-morrow. During the whole of this proceeding, there was a constant tendency to debate the main question, and an effort on the part of the Chair to confine the debate to the question of postponement. In this skirmishing, Mr. IRVIN, of Ohio, Mr. DANIEL, Mr. VANCE, Mr. INGERSOLL, Mr. BROWN, Mr. POTTER, Mr. P. P. BARBOUR, Mr. WICKLIFFE, Mr. POLK, Mr. BELL, Mr. COLEMAN, Mr. LETCHER, Mr. BURGESS, Mr. YANCEY, and Mr. BARRINGER took some part.

Finally, as by common consent, it was agreed that the reconsideration should be postponed until to-morrow, by which time the message, it was supposed, would be printed, and in the hands of every member.

The question of printing the report gave rise to some debate, by reason of the intervention of the rule requiring one day's notice for an order for an extra number of copies of any document. For the present, under that rule, the usual number only was ordered to be printed.

THE COLONIAL TRADE.

Mr. CAMBRELENG, from the Committee on Commerce, reported the following bill:

"Be it enacted, &c. That, whenever the President of the United States shall receive satisfactory evidence

that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the vessels of the United States, for an indefinite or for a limited term, that the vessels of the United States and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels or their cargoes arriving in said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies aforementioned, to any country whatever other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions or possessions as aforesaid; that then, and in such case, the President of the United States shall be, and he is hereby, authorized to issue his proclamation, declaring that he has received such evidence; and, thereupon, from the date of such proclamation, the ports of the United States shall be opened, indefinitely or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions; and it shall be lawful for the said British vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in vessels of the United States: and the act entitled "An act concerning navigation," passed on the 18th day of April, 1818; an act supplementary thereto, passed the 15th day of May, 1820; and an act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the 1st day of March, 1823, are, in such case, hereby declared to be suspended, or absolutely repealed, as may be agreed upon with the British Government.

"SEC. 2. *And be it further enacted*, That, whenever the ports of the United States shall have been opened, under the authority given in the first section of this act, British vessels and their cargoes shall be admitted to an entry in the ports of the United States from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States."

The bill having been read,

Mr. CAMBRELENG said, he would state, for the satisfaction of gentlemen on all sides of the House, that there was no new principle contained in this bill. The principle of it [he said] was precisely that contained in the instructions from Mr. Clay to Mr. Gallatin, under the late administration, and the friends of that administration would approve of it, as well as others. When its object was fully understood, he believed that there would be no difference of opinion in the House upon it. Under the unanimous direction of the committee, he should move for the consideration of this bill in the course of the day, giving time only to have it printed for the information of the House.

The bill was twice read, and referred to a Committee of the Whole.

Mr. CAMBRELENG then, by unanimous consent, under the instruction of the Committee on Commerce, moved the following resolution:

Resolved, That the President of the United States be requested to communicate to this House such information in relation to the negotiations with Great Britain, concerning the colonial trade, as he may deem it not incompatible with the public interest to communicate.

The resolution was agreed to.

MAY 28, 1830.]

Pay of the Marine Corps.—Salt.—Molasses and Rum.—Secret Sitting.

[H. of R.]

PAY OF THE MARINE CORPS.

The joint resolution for continuing the pay of the officers of the marine corps, as heretofore allowed, until otherwise ordered, was read a third time.

On the question of its passage, the previous question was demanded by Mr. CARSON, but not seconded by the House.

The merits of the resolution were then debated by Mr. WICKLIFFE, Mr. McDUFFIE, Mr. DRAYTON, Mr. CARSON, Mr. SUTHERLAND, and Mr. YANCEY.

Mr. BARRINGER then, to prevent the consumption of the remaining time of the session upon this bill, demanded the previous question.

The demand was seconded by the House, and the main question being ordered to be put, was put accordingly; and the bill was passed by a vote of 85 to 64, and sent to the Senate for concurrence.

SALT.

The House proceeded to the consideration of the engrossed bill entitled "An act to reduce the duty on salt;" and the question was stated, Shall the bill pass? when

A motion was made by Mr. STORRS, of New York, that the said bill be recommitted to the Committee of Ways and Means, with instructions so to amend the same, as to postpone any reduction of the duty on salt until the 30th September, 1831.

Mr. S. alleged, as a reason for his motion, that he wished to give the State of New York time to alleviate by her legislation the effect of this measure on her interest, and to adapt her policy to a change which would inflict so great an evil on her pecuniary interest.

Mr. P. P. BARBOUR moved the previous question.

Mr. STANBERY moved to lay the bill on the table; on which motion Mr. VINTON demanded the yeas and nays, and they were ordered.

Mr. POTTER moved a call of the House.

[At this moment a number of the Senators coming into the Hall, it was ascertained that the Senate had adjourned; and as the joint rules of the two Houses provide that "no bill that shall have passed one House, shall be sent for concurrence to the other on either of the three last days of the session," it became a question whether it would be worth while to pass the bill under consideration, in as much as this was the last day on which a bill could be sent to the Senate for concurrence, and the Senate had now adjourned.]

Mr. TAYLOR was of opinion that as the Senate had adjourned, it would be useless to pass the bill, as it could not be sent there for concurrence.

Mr. McDUFFIE said, it was evident that the Senate had by inadvertence overlooked the rule, and had adjourned without being aware of the effect; therefore, doubtless, something would be done to remove the difficulty, as there were several bills which it was indispensable to pass. He hoped therefore the House would go on with this bill and pass it.

Mr. P. P. BARBOUR thought the bill could be sent to the Senate, notwithstanding it had adjourned. Suppose the Senate were not to sit two of the four last days of the session, could that deprive the House of the benefit of all the bills which might be passed by it? Sir, [said Mr. B.] the Clerk of this House can deliver this bill to-day, if it pass, to the Secretary of the Senate; and the Senate can to-morrow take it up and act on it, although it be not in session to-day when the bill goes there.

Mr. VANCE now moved that the House adjourn; and the yeas and nays being demanded by Mr. LAMAR, they were taken, and the motion was negatived: yeas, 54—nays, 127.

Mr. DRAYTON moved to lay the motion for a call of the House on the table; and Mr. RAMSEY demanding the yeas and nays on the motion, Mr. D. withdrew it; but

Mr. STERIGERE renewed the motion to lay on the

table, which being taken, the motion for a call of the House was ordered to lie on the table. The question was then taken on laying the bill on the table, and negatived: yeas, 84, nays, 97.

The previous question was then seconded by a majority of the House; and the previous question was carried by yeas and nays—108 to 78. So that

The main question was at last put on the passage of the bill, and carried in the affirmative: yeas, 105—nays, 83.

So the bill was passed, and ordered to be sent to the Senate for concurrence.

[When the roll on the passage of the bill was calling, and the Clerk reached the name of Mr. YANCEY, of Kentucky, Mr. Y. rose, and said, he knew he was out of order, but still he wished to state the reason which governed his vote, as he was going to change the vote he had formerly given on this bill. We are in possession of intelligence [said Mr. Y.] that the West India trade will now be opened; and as the West Indies have salt in abundance, and the western country has provisions in abundance, one being exchanged for the other, will reduce the price of salt in the West to the poor man. It was that he felt interested for, and this induced him to change his vote. Mr. Y. did not of course make these remarks without being called to order repeatedly, both by the House and the Chair, but he persisted in saying thus much before he voted.]

MOLASSES AND RUM.

The engrossed bill to reduce the duty on molasses, and to allow a drawback on rum distilled from foreign molasses, was next read the third time, and put on its passage.

Mr. BARRINGER moved the previous question, fearing that debate might arise on the bill, and endanger it by delay.

Mr. VANCE moved to lay the bill on the table, which was negatived; and

The previous question being seconded and agreed to, the question was put on the passage of the bill, and decided in the affirmative by yeas and nays—117 to 60.

So this bill was passed, and ordered to be sent to the Senate for concurrence.

SECRET SITTING.

The SPEAKER announced to the House that he had received a message in writing from the President of the United States, of a confidential nature; whereupon,

The galleries were cleared, and all but the members and officers of the House were excluded, and the doors closed from five o'clock till about half after eight; when

The doors were opened, and it appeared (the injunction of secrecy having been removed from the proceedings, though not from the President's message) that the bill "to amend the acts to regulate the commercial intercourse between the United States and Great Britain," had been under consideration, and was ordered to be engrossed for a third reading to-day.

This bill being subsequently reported correctly engrossed, it was read a third time.

Mr. STRONG said, he did not rise to discuss the bill; but wishing the responsibility, for it should rest on those to whom it belonged, he moved the yeas and nays, which were ordered; and the question being taken,

The bill was passed—yeas 105, nays, 28; and was ordered to be sent to the Senate for concurrence.

FRIDAY, MAY 28, 1830.

Mr. McDUFFIE, from the Committee of Ways and Means, reported a joint resolution, proposing to suspend the joint rule which prevents the sending of original bills from one House to the other during the three last days of the session; so as to allow the House of Representatives to send to the Senate certain bills therein specified.

The resolution having been twice read,

Mr. HOFFMAN moved to strike from the schedule the

bill to reduce the duty on salt, but withdrew his motion on the suggestion that a division might be required so as to take the question on that separately.

A call of the House was moved, and carried, and, having progressed for some time, was suspended.

Mr. POLK moved the previous question, which was seconded, and the main question ordered.

Mr. STORRS, of New York, here made a point of order, which produced some discussion in regard to an application of the rule respecting the reception of resolutions, but which Mr. S. afterwards waived.

Mr. TAYLOR moved a division of the question, so as to take it separately on the salt bill.

The SPEAKER decided that as the bill referred to formed a part of the schedule appended to, and was not of the matter of the resolution itself, it was indivisible.

Mr. TAYLOR appealed from the decision of the Chair, and stated his reasons for differing from the Speaker.

Mr. WAYNE, while he entertained the utmost reverence for the sabbath, expressed the opinion that it ought to be considered one of the days of the session, as business might be transacted on it, and, therefore, that three days yet remained after to-day, which would render the resolution unnecessary.

Mr. RAMSEY was in favor of suspending the operation of the rule so far as related to certain bills, and was proceeding to give his reasons for being opposed to suspending it in regard to other measures, which would have the effect to diminish the revenue; when

The SPEAKER reminded Mr. R. that the question was on the point of order involved in the appeal, and not on the merits of the division moved for.

Mr. RAMSEY was sorry it was not in order for him to state his reasons for objecting to some of the bills which would affect the revenue, as he would, if permitted to go on, fix a mark on a gentleman not far off. I will soon bring him out of his petticoats.

Mr. TUCKER moved the previous question on the appeal, which being seconded, the main question was ordered, and put, and the decision of the Chair was affirmed by the House—97 to 67.

The resolution was then passed, and sent to the Senate.

THE VETO.

The House then, according to order, proceeded to the consideration of the message of the President of the United States refusing his assent to the bill for a subscription of stock in the Maysville Road Company—the question being, “Will the House pass the bill, the objections of the President notwithstanding?”

Mr. DANIEL said, the House would permit him to make a few remarks before the vote was taken. He had examined the message of the President of the United States, and he was constrained to say it was an able State paper, well worthy the consideration of the American people. He had supported the measure condemned by the message; but, as a co-ordinate branch of the Government has called on this body to stop their career, he, for one, was disposed to give the people of the nation an opportunity to consider, coolly and dispassionately, the objections urged by the President against the mode of appropriating money to objects not national. It is the first time in the history of the world, that the Executive of a nation has interposed his authority to stop extravagant and ruinous appropriations. He was elected on the principle of economy and reform; and if the representatives of the people refuse to him a proper support, (as it must be admitted they have,) it is impossible that the object for which he was elected can be obtained. In the discharge of his duty as the servant of a free and independent people, and in obedience to what he believes to be their will, he has laid this subject before them. They will have to pass upon the correctness of his views; and I feel disposed,

out of respect to them and the President, to give them an opportunity. If they decide he is correct, then it is the duty of the representatives to obey; if they decide he is wrong, then their representatives will carry into effect their will. The message coincided mainly with his views on constitutional power; however, he did not agree, in every particular, with the doctrine contained in it.

Mr. D. said he was in favor of internal improvement, but the system, as it has heretofore been carried on and pursued, was better calculated to destroy than to promote it. The House had been admonished, on a former occasion, by the gentleman from New York, [Mr. STORRS] that the friends of the system were breaking it down by their extravagance and folly. It was clear, from the message, that if the system was pursued, as it had been attempted at the present session, this nation would soon be involved in a large and immense national debt. The members of Congress would understand each other—if not corruptly, the effect would be the same; they would vote for each other's projects without regard to the public good. A host of federal officers would be created to superintend the collection of tolls, and the repairing and amending those improvements. The tax on the people would be increased, until their leaders would be as great as they are in any despotic Government on earth. Besides, it would end in corruption beyond control. The members of this House cannot now read all the documents printed and laid on our tables. This system will produce a swarm of officers and accounts without end. The representatives of the people can never examine them—the officers become irresponsible and corrupt, and it will produce consolidation of the Government. If the system is to be persevered in, let us adopt one that will not be productive of this evil.

It is true the rejection of this bill will deprive the people of Kentucky of this appropriation, till, ultimately, I hope, they will be benefited; their liberty will not be placed on such a doubtful issue.

The best consideration I have been able to give this subject, induces me to suspend the decision, and permit the people to act on it.

Mr. CHILTON next made some observations.

Mr. STANBURY said, that, in the view he took of the matter, he considered the communication which had been just received, as the voice of the President's ministry rather than of the President himself; or, to speak more correctly, the voice of his chief minister. The hand of the “great magician” was visible in every line of the message. There was nothing candid, nothing open, nothing honest, in it. As one reason why the Executive rejects the bill, he assigns the extravagance of this Congress as having been so great that there will not be money enough in the treasury to meet the small appropriation contained in the rejected bill. And, as an evidence of the correctness of such an apprehension, the appendix contains a list of all the bills which have been reported in the Senate and in this House, but not passed. These are relied upon in the argument as if they had passed, and become laws; when it is well known to all of us, the most of these bills are only evidence of the opinions of the committees by whom they were reported; and there is not even a probability that they will ever become laws. Among the bills of this description, contained in the appendix, is the bill reported in the Senate, providing for the amount of French spoiliations; which, of itself, makes an item of five millions of dollars. There is also included in the appendix the bill for the relief of Susan Decatur; and that for the Beaumarchais claim, and the claim of Richard W. Meade. There is added, also, the bill for the Colonization Society, proposing to pay twenty-five dollars for each negro in the United States. And, to swell the amount, the claim of President Monroe is also added. All of these amounts, put together, give to the proceedings of this Congress an appearance of extra-

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gance, which does not belong to them. On the whole, I consider this document artfully contrived to bring the whole system of internal improvement into disrepute, and as calculated to deceive the people. Such a document can never have issued from the President. It is not characterized by that frankness which marks his character. It has every appearance of a low, electioneering document, not worthy of the eminent source to which it is attributed.

But, sir, if extravagance has marked the proceedings of this Congress, it is not chargeable on the majority of this House. The appropriations which have been made, have been asked for by the executive officers themselves; and they have asked for more than we have granted. And the most extravagant project this session, and one which will, I fear, forever disgrace this Congress, I mean the bill for the removal of all the southern Indians west of the Mississippi, came recommended to us as the peculiar favorite of the Executive.

I can say, with truth, that many members of this House were induced, contrary to their consciences, to vote for the bill, in consequence of their not having independence to resist what they supposed to be the wishes of the Executive. They were literally dragooned into its support. I certainly, sir, had many other reasons for my opposition to the bill; but not the least of my reasons was a belief that its passage would strike a death-blow to the whole system of internal improvement. It received the support of all the enemies of internal improvement, as their only means of destroying the system; and it is accordingly relied upon in this message, and I will admit that it is the only good reason assigned in it against any further appropriations for the improvement of the country. And yet we, who are the friends of this administration, but still greater friends to the honor and prosperity of the country, have been threatened with denunciations by certain members of this House, but who have no other claim for the station which they have assumed, as our leaders, than the single circumstance of their coming from Tennessee, for our opposition to the Indian bill—for our contumacy in opposing what they were pleased to represent to us as the wishes of the Executive. Sir, let them commence their denunciation—I fear no bravo, unless he carries the assassin's knife. Against every other species of attack I am prepared to defend myself.

Mr. POLK said that, whilst it had been understood, in conversation through the House, that the friends of this measure were disposed, without further debate, to take the vote on reconsideration, on the veto of the President, according to the provisions of the constitution, he thought he could speak confidently when he said that those opposed to it had determined to pursue a similar course.

The debate had, however, been brought on. The violent, vindictive, and unprecedented character of the remarks which had just fallen from the member from Ohio [Mr. STANBURY] had opened the whole discussion. That member took occasion, in the most violent manner, to say that the message of the Chief Magistrate was a low, undignified, electioneering paper; that it had nothing honest in it; that it had nothing candid or open in it; that it was the work of his ministry, and not of himself; that the hand of the magician was to be seen in every line of it.

Mr. P. said he took the liberty to say to the member from Ohio, that this violent torrent of abuse, poured upon the head of the Chief Magistrate, was gratuitous, and wholly unjustifiable, not sustained in a single particular by the truth, and wholly unfounded in fact.

The member himself did not, and could not believe one word of what he had just uttered, in the face of the House and of the nation. No man in the nation, of any party, who knows the character of the President, believed what the gentleman had charged upon him. He was glad that the member had at length thrown off the cloak under which he had covertly acted during the present ses-

sion. He had been elected to his seat here by the friends of the President. If he was correctly informed, he came into this House upon the popularity of the venerable man whom he now so wantonly assailed. He came here professing to give to his administration a fair and an honest support—professing to be enumerated among his political friends. Had he sustained one single measure which the President recommended? Not one—and it was matter of no regret that the member had at length thrown off the mask. He cannot claim this occasion, or this bill, as a pretext for his desertion from his former professed political attachments. What was there in this occasion to call forth such a tirade of abuse? The President has returned to this House, as it was his constitutional right, and, entertaining the opinion he did, his duty to do, a bill which had passed Congress, and been presented to him for his constitutional sanction. He had, in a very temperate, and, he added, in a very able manner, assigned the reasons why he had felt himself constrained, from a high sense of public duty, to withhold his signature and sanction from it. We are called upon by an imperative provision of the constitution to reconsider the vote by which a majority of this House had agreed to pass the bill. The bill and the message of the President were the fair subjects of deliberation and discussion for this House. We were now called upon to discharge a high constitutional duty on our part. Had the member discussed, or even pretended to discuss, a single principle contained in the message, or in the bill? No! He had chosen to make a most wanton attack upon the President. Why was the member from Ohio thrown into such a rage? Was it because the system of which this bill is a part was so dear to him? Does he not know, will he deny it, that he has heretofore professed to be opposed to this whole system? In the last Congress he was a member of the Committee on Manufactures. He voted for the tariff, and ostensibly supported it; but did he not then openly say to many gentlemen, (not in confidence, for, if it had been so, he would be the last man to betray that confidence,) that he was opposed to the whole American system; that it was nothing but a political hobby? Did he not say that he would return home and revolutionize public opinion in his own district, and in the whole State of Ohio; that a delusion existed in that State that could and should be removed; that he had never conversed with a plain, farming man, and explained to him the operations of this American system, but that he convinced him that it was against his interest to support it? Would the gentleman deny this? If he would venture to do it, he pledged himself to prove it upon him by many members of this House. It was not, then, the attachment of the gentleman to this system that could have induced him to throw into the House the firebrand that he had—that pretext cannot shield him. He best knows the real cause of his present course. He best knows whether he was ever, in truth and in fact, the sincere friend of the President, or whether he found it convenient to profess to be his friend, in order to obtain his election to this House. The member had formed new associations recently—associations with our old political adversaries; and he was glad, for the future, to know who he was, and where to find him. A covert, political adversary was much more insidious and dangerous than one that openly avowed himself, and acted upon his professions. He had to beg the pardon of the House for any apparent warmth which his manner may have indicated. It had been wholly induced by the most unexpected torrent of abuse which fell from the member from Ohio, so uncalled for by the occasion, so unnecessary and uncertain in its character, and which produced so visible a sensation in the House, on all sides of it, and among all parties in it. That member was wholly responsible for the excitement which it was apparent pervaded the whole House.

The message of the President, he undertook to state,

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was emphatically his own; and the views presented for the rejection of this bill, were the result of the honest convictions of his own deliberate reflection. Was it an electioneering measure? No man who knows his character will believe it. The common sense of the nation will put to shame the charge. What! an electioneering measure! a popularity hunting scheme! Why, sir, if he had been, so base, in the discharge of a high constitutional duty, as to have been operated upon by such a motive, the indications in this Congress—the will of the people, if that will be correctly reflected here, a majority of whose Representatives originally voted for this bill, would have presented the most powerful motive why he should have approved and signed this bill. No, sir, the President would not be himself, if he had been capable of being influenced in the slightest degree by any such considerations. Such considerations have no place in minds of the elevated cast of that of the Chief Magistrate. Such considerations are only suited to the bent of such grovelling minds as are themselves capable of making the charge. No, sir, on the contrary—on the brink of a great crisis—at a period of unusual political excitement, to save his country from what he conscientiously believed to be a dangerous infraction of the constitution—to avert the evils which threatened, in its consequences, the long continuance of the confederacy, upon its original principles—he had, with a patriotism never surpassed, boldly and firmly staked himself, his present and his future popularity and fame, against what seemed to be the current of public opinion. Had he signed this bill, the road on which he would have travelled, would have been a broad pavement, and his continued elevation certain, beyond the possibility of doubt. As it was, he had planted himself upon the ramparts of the constitution, and had taken the high responsibility upon himself to check the downward march in which the system, of which this bill is a part, was fast hastening us. It required just such a man, in such times, to restore the constitution to its original reading. In the course of a long and eventful life, he had always been equal to any emergency, however perplexing or embarrassing his situation might be. He had never failed to assume responsibility when he should assume it; and, in no instance, in his public life, had he displayed, in a more eminent degree, that moral courage and firmness of character, which was peculiarly characteristic of him, than in this. He has achieved a civil victory, which will shed more lustre upon his future fame, and be infinitely more durable, than many such victories as that of the battle of Orleans, for, by this single act, he verily believed he had done more than any man in this country, for the last thirty years, to preserve the constitution and to perpetuate the liberties we enjoy. The constitution was, he hoped, to be again considered and practised upon, as it, in fact, was one of limited powers, and the States permitted to enjoy all the powers which they originally intended to reserve to themselves in that compact of Union. The pernicious consequences, the evil tendencies, to say nothing of the corrupting influence of the exercise of a power over internal improvements by the Federal Government, were not fully developed until within a very few years last past. Mr. Madison, on the last day of his term of office, put his veto on the bonus bill. In the following year, Mr. Monroe rejected a bill assuming jurisdiction and fixing tolls on the Cumberland road. The subject of the power was discussed at great length, and with great ability in the next Congress. The House of Representatives, by a small majority, at that time affirmed the power to appropriate money for objects of national improvement, but denied, and by the vote of the House negatived, the power to construct roads or canals of any character, whether military, commercial, or for the transportation of the mail. It was not until the last administration, that the broad power to the extent now claimed, limited only by the arbitrary discretion of Congress, was asserted and at-

tempted to be maintained by the Executive and by Congress. It was not until that period that its dangers were fully perceived. The President had manifested, in the message before us, that he had been an attentive observer of its progress, and its probable, if not its inevitable consequences. He could not shut his eyes to the constant collisions, the heart-burnings, the combinations, and the certain corruption to which its continual exercise would tend, both in and out of Congress. In the conscientious discharge of a constitutional duty, which he was not at liberty to decline, he had withheld his signature from this bill, and had frankly submitted to us his views upon this important question; and he trusted we would deliberate upon it temperately, as we should, and, in the vote which we were about to give, upon the reconsideration of this bill, according to the powers of the constitution, express the opinions which we entertain, and not make a false issue, growing out of a personal assault upon the character or motives of the Chief Magistrate.

A remark, which fell from a member from Kentucky, [Mr. CHILTON] who preceded the member from Ohio, deserved a passing notice, not because of the source from which it emanated, for, if that were considered, it would be wholly uncalled for, but simply because it had been made by a member of the House. We were asked if Congress were to be controlled by one man; and, for one, the gentleman informed us he would not submit to it. The gentleman should learn, if he does not know, that the constitution had conferred upon the President the power which he had, in this instance, exercised; and if the gentleman thinks he should not exercise it, he should seek an amendment of the constitution. By denying the power to construct roads and canals; by refusing to assume the exercise of any doubtful power; and by deeming it safest to refer the question to our common constituents for an amendment to the constitution, the President had deprived himself of a powerful branch of executive patronage and influence, and has thereby given the most conclusive evidence of his integrity of purpose, and the strongest refutation of the affected and staid cant of his enemies, that, because he was once a leader of the armies of his country, he would be disposed in the civil Government to assume more powers than legitimately belonged to him. The power of interposing the executive veto upon the legislation of Congress, had been often exercised since the commencement of the Government under the present constitution. It had generally been exercised upon constitutional ground. But instances were to be found where the power had been exercised wholly upon the grounds of the inexperience of the measure. A single instance he would cite. On the 28th of February, 1797, General Washington returned, with his objections, to the House in which it originated, a bill which had passed Congress, and which had been presented to him for his signature, entitled "An act to ascertain and fix the military establishment of the United States." He withheld his signature from this bill, not because of the unconstitutionality of its provisions, but because, in his opinion, it was inexpedient to pass it. Mr. Madison, during his administration, had put his veto upon several bills besides the bonus bill. The exercise of this constitutional power by the Executive, had never been received with alarm; but, on the contrary, had been regarded, as it was intended to be, as a necessary and wholesome check upon the acts of the Legislature. Let the remark of the gentleman pass. It demands no more especial notice.

Mr. P. said he deemed it unnecessary to enter anew upon the discussion of this bill. When it was originally on its passage before the House, he had had the honor to submit his views in opposition to it, and would not then repeat them. Nor would he detain the House at that late period of the session, by any elaborate discussion of the general principles involved in its provisions, for they had

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been often discussed, and were familiar to the House. He hoped the result of the vote which we were about to give in the solemn discharge of a high duty which had devolved upon us, upon this precise measure, in the first year of a new administration, might resuscitate the almost forgotten principles of the constitution, and put an end to a system which cannot end in good, and must lead to the most ruinous consequences. The Chief Magistrate, with a disinterested patriotism, and regardless of the consequences to himself personally, has risked all that he is, or may be, and thrown himself into the breach, to resist the annihilation of the State sovereignties, and to guard against that consolidation of these States, which had once been the dread and the terror of the original friends of the confederacy, and their steady followers to the present hour. He was prepared to sustain him to the utmost of his poor ability; and he confidently believed that he would receive the hearty thanks of a generous country for his course, and not be requited by the unjustifiable Billingsgate abuse which we had this day heard poured upon him. He would detain the House no longer.

Mr. P. P. BARBOUR rose, and said, ~~he~~ felt impelled, by an imperious sense of justice, to say something in vindication and justification of the Chief Magistrate of the Union, against the strong animadversion in which gentlemen had indulged towards him because he had dared to do his duty.

If, in doing this, [said Mr. B.] I shall use the language of commendation, let no man suppose that it is in the spirit of personal adoration; I never have been, and I trust in God I never shall be, a worshipper of men. I never have felt the influence of a single ray of executive patronage.

But when a public functionary, at a period of great political excitement, like the present, has advanced, with a firm and fearless step, to the discharge of his public duty, as the President in this case has done, "uncaring consequences" as they regard himself; when, by this manly and independent course, he has contributed essentially to promote the happiness, the prosperity, and the best interests of a mighty community of States—whilst I will do no homage to the man, I must, I will do justice to the rare and distinguished merit of the officer; and if this cannot be done without ascribing to him even the highest degree of praise, then that praise is a tribute which is justly due to him, and which I most cheerfully pay.

But let us inquire what has the President done which calls forth this loud complaint.

Why, forsooth, he has dared to put his veto upon a bill passed by both Houses of Congress, and has returned it with his objections. And has it come to this, that it is cause of complaint that the Chief Executive Magistrate, constituting, as he does, a co-ordinate branch of the Legislature, has ventured to perform his constitutional function, in dissenting from a law, which, in his judgment, would be ruinous in its consequences? Was it in the contemplation of those who framed the constitution, that the President should be set up as a mere pageant, with powers possessed in theory, but never to be reduced to practice? or was it intended that this veto upon legislation, like every other power, should be exercised, whensoever the occasion should occur to make it necessary? Do not gentlemen perceive that they might, with as much reason, complain that the Senate had negatived one of our bills; for they, too, are only a co-ordinate branch of the Legislature, as is the Executive Magistrate?

Sir, each department, and every branch of each department of the Government, has its appropriate functions assigned. The country expects and requires every one to do its duty, whether it consists of one man, or a plurality of men. And whosoever shall fail to do so, though he may hope to consult his safety by an avoidance of responsibility, will find that he has forfeited the esteem and confidence which are invariably awarded by public opinion to firmness and fidelity in the performance of public trusts.

The constitution proceeds upon the idea that Congress, composed of the Senate and House of Representatives, is not infallible. It has, therefore, erected the additional barrier of the executive veto against hasty or injudicious action.

It contemplates that veto as countervailing the opinion of one-third of both Houses, because its interposition makes the concurrence of two-thirds of both Houses necessary. To complain, then, of its exercise, is to quarrel with the form of Government under which we live. It is the precise reverse of a complaint which we have often heard of in a European monarchy. There, the King complained whenever the Parliament refused to register his edicts. Here, the Congress are to complain whenever the Chief Magistrate declines to register their will.

I rejoice, sir, that he has so declined. I congratulate my country that, in this instance, the Chief Magistrate has displayed as much of moral, as he heretofore did of physical courage—as much decision and energy in the cabinet, as he heretofore did in the field—by which he will, in some degree, at least, arrest the progress of a system which, in its unrestrained career, threatens to produce more mischief than any man, either in or out of Congress, can pretend even to estimate.

I heard with surprise, nay, with astonishment, the bitter, the acrimonious, and, I must add, the unjustifiable invective, which the member from Ohio poured forth in a torrent against the Chief Magistrate upon this occasion.

The main purpose of the gentleman seemed to be to inculcate the opinion that the rejection of the bill in question was with a view to acquiring popularity! What, sir, an attempt at popularity! Look, for a moment, at the circumstances of the case, and then tell me whether this opinion can be sustained.

This bill was not only carried by a majority, as it must have been, but by a decisive majority of both Houses of Congress. Can any man suppose that a President, who set out upon an adventure in quest of popularity, would make his first experiment against a question which, by passing both Houses of Congress, seemed to carry with it the approbation of the States, and the people of the States? On the contrary, if he were going for himself, rather than for his country, would he not, by approving the bill, have just floated down the current of apparent public opinion, without encountering the least impediment in his course? Instead of this, sir, what has he done? Regarding his country more than himself—looking with an eye that never winked to the public good, and not to his personal aggrandizement—he has witholden his approval from this bill, which was a favorite bantling with a majority of both Houses of Congress. He has thus placed himself in a position where he has to win his way to public approbation, in this respect, under as adverse circumstances as the mariner who has to row up stream against wind and tide.

And this is said to be seeking after popularity! *Credat Judæus apella.* Sir, it is any thing but seeking after popularity, in the noxious sense in which that expression has been applied to him. But if I know any thing of the character of my countrymen—if a rare example of political integrity and firmness will constitute a claim to their esteem—if disinterestedness and self-denial be any evidence of virtue in public men—then, indeed, without seeking, will he have found popularity—not of that mushroom kind which is acquired without merit, and lost without fault, but that more noble kind which is always bestowed by all good men as the just reward of virtuous actions, and is always withheld from those who, without deserving it, endeavor to acquire it.

Sir, the man who is in quest of popularity and power, would have taken a different course. By approving this bill, and thus continuing the system of internal improvement, the President would have commanded an immense amount of patronage, as well in the disbursement of countless millions of money, as in appointment to office. And

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yet, though these means of power and influence would be at his own command, though he presents the rare example of an Executive Magistrate rejecting the use of that which would contribute so much to personal aggrandizement, he is still charged with courting popularity. If this be the only mode of courting popularity, our country will indeed be happy, and those in power who thus seek it will deserve our lasting gratitude.

Other men, with other views, would adopt another maxim, "that with money we can get men, and with men money;" and they would cling to both as the instruments of their ambitious projects. Sir, I hail this act of the President as ominous of the most auspicious results. Amongst the many excellent doctrines which have grown out of our republican system, is this, that the blessings of freedom cannot be enjoyed without a frequent recurrence to fundamental principles. In this instance, we are making that recurrence. It would seem, sir, that the period of about thirty years constitutes a political cycle. Thirty years ago, at the opening of the present century, our Government was drawn back to its original principles; the vessel of State, like one at sea, had gotten upon a wrong tack, and the new pilot who was then placed at the helm brought it again into the right course, for the purpose of reaching its proper destination. In the progress of a long voyage, it has again declined from its proper course; and I congratulate the whole crew that we have found another pilot with enough of skill in navigation and firmness again to correct the declination. The present Chief Magistrate, sir, "had done the State some service" heretofore; but, in my estimation, it was but as dust in the balance, compared with the good which he has now done.

Thus far I have been showing the utter injustice of finding fault with the Chief Magistrate for exercising his constitutional function according to his own judgment, and have taken it for granted that his objections were well founded. The late period of the session, as well as my having recently argued this question at large, induce me to forbear from entering into the discussion now at any length. I hope, however, the House will bear with me whilst I submit a few general remarks. I not only concur with the President, as far as he goes in his views, but I go further. He denies the power of Congress to construct roads, with a claim of jurisdiction. So do I. He admits, that, as the constitution has been long construed, the power to appropriate money for such purposes as are really national must be acquiesced in, until the difficulty is removed by an amendment. In this I differ from the President, as he has a right to differ from me, and from both Houses of Congress. But as I claim the right to follow the lights of my own judgment, so I am always ready to acknowledge that of the President to do the same.

But I will not now go into the constitutional question. Apart from this, let me ask whether there are not abundant reasons for the course which the President has pursued. He tells you, the subject has been involved in doubt, and has produced much diversity of opinion. This is a part of the political history of the country. A retrospect of the proceedings of Congress will show that different Congresses have entertained and expressed different opinions on the leading questions connected with this system. We also know that many States of the Union have utterly denied to us this power. Now, I put it to the candor, the justice, the liberality of this House, whether the mere circumstance of great doubt and diversity of opinion is not reason enough for the Chief Magistrate to pause, and for you to pause with him, in this career. If it be now said, as it often has been, that a majority is not to be governed by a minority, I answer, let that be admitted, and yet I demand that the majority should pay a just regard to the remonstrances and complaints of the minority. Even in the monarchies of Europe, this is the case. Witness the recent emancipation of the Irish catholics by the British Parlia-

ment. This was a concession, by the majority, to the complaints of the minority. It will be but a poor recommendation of our system of Government, to be told, that, under all circumstances, the caprice of mere numbers must prevail, though there be only a majority of one, and that we are not to hope for the occasional concession which is experienced in the Governments even of the old world.

Must this Government, because it has the physical power, like Aaron's serpent, swallow up every thing less strong?

Is it not the part of wisdom, as well as patriotism, to submit this question to the States in the form of amendment, rather than press on against the known will of a large portion of them? The States feel a deep sense of loyalty to the Union; but they feel, too, that they have rights to demand, as well as duties to perform. Let us not place them in a situation where they may be driven to a course that would be called patriotism by some, and rebellion by others; but which, by whatsoever name it might be called, would endanger the success of our great experiment, the benefits of which concern the whole human family. The course suggested by the Chief Magistrate is calculated to avert these dangers. When members on this floor maintain any principles, they have no weight but that which belongs to them as individuals; but when a suggestion comes from the Executive, and especially accompanying his rejection of a bill, it brings with it all the authority to which the opinion of a branch of the Government is entitled. An issue is thus made up between him and Congress, which will cause the people to deliberate; and thus we may hope that it will be calmly decided by them, so as to put the subject forever to rest.

Sir, there are other reasons why this course, pursued by the Executive, should meet our decided approbation. I need only glance at a subject which I so recently discussed on another bill. I allude to the inequality and demoralizing tendency of this system.

A distribution made upon principles of actual inequality, will produce deep disgust on the one side, and foster corruption on the other.

I mean no offence to any State or individual; the remark applies, without distinction, to all States and individuals, under all circumstances. Sir, the history of all people, nations, tongues, and languages, teaches us the same melancholy truth, that all Governments, of whatever form, have finally perished by corruption.

How much, then, do we owe to him who averts this gangrene from our body politic? How much more do we owe to him who does it by a self-denial of those means by which this evil may be produced? Sir, I hope, I believe, that there is no ingratitude enough in this country to reward such a course by a deprivation of office.

But, sir, had I the honor of filling the Chief Executive chair, if it were revealed to me from Heaven that such would be the result, I would rather go down to posterity upon the historic page as one who, like the present Chief Magistrate, had, with the moral courage, the ardent patriotism, and lofty disinterestedness of the *ultimus Romanorum*, thrown himself into the breach and breasted the storm in doing his duty, than, by a different course, continue to be President through a long and protracted life.

Mr. VANCE said that the course pursued by the President would not operate on his mind, either for or against that individual. He reminded the House that he had himself been always an advocate of the system of internal improvement. He stated that, by that system, the West must stand or fall. Unless it be sustained, the West can never have any participation in the appropriations of the General Government. As soon as the wealth derived from emigration shall be exhausted, the West must be drained of every dollar, unless this system be continued. It is only by its continuance that the posterity of those who now live in the West can be prevented from becoming hewers of wood and drawers of water to the eastern States. He

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stated that the South had, during the last year, received more of the disbursements of the General Government, than had been expended in the whole of the western country on internal improvement. He then defended his colleague from the attack made upon him by the gentleman from Tennessee. His colleague [Mr. STANBERRY] was able to sustain himself. That gentleman should have more gratitude for his colleague, and for the balance of the Ohio and Kentucky and Pennsylvania delegation, who would now vote against him on the question. For himself, he felt no disappointment, for he had foretold from the stump the course which the present administration would take. His colleagues had, also, from the stump, declared that they well understood the thing, and that General Jackson was the firm, steady, and consistent friend of internal improvement. It was clear that he had so far succeeded in concealing his real feelings on the subject, as to deceive those gentlemen. They had, however, gone hand in hand with the gentleman from Tennessee, and had gained the victory. They had attained the triumph, and now they were receiving their reward. When this message came into the House, it struck a damp to the feelings of those individuals, who then felt the final destruction of all their fond hopes.

Mr. BELL said, when the member from Ohio [Mr. STANBERRY] took his seat, his feelings had prompted an immediate reply, not more because of the unprecedented manner of the attack upon the message which had been the subject of remark, than of the nature of the allusion which had been made to a bill not now before the House. The relation in which I stand to that measure, [said Mr. B.] seemed to call for some reply from me; but, in an attempt to get the floor, I found your eye, Mr. Speaker, averted. Although the first moment of excitement is passed, and I have not now those strong feelings with which the extraordinary conduct of the member from Ohio at first inspired me, yet I appeal to the House—to every member of it, whatever may be their political partialities, to say whether that member, in availing himself of the parliamentary privilege of considering the message as emanating from the "ministry," not from the President, and in speaking of it freely under that pretext, had not assumed the manner of a blackguard.

[Here Mr. B. was reminded by the Chair that it was not in order to indulge in personal remarks.]

The gentleman from Ohio, who had just taken his seat, [Mr. VANCE] had informed the House that, for his part, he was not surprised to see his colleague desert an administration which had damped the hopes of the West. The member from Ohio, before me, cannot plead the impression produced by the message on yesterday in defence of his desertion. Before the message was heard of, the member from Ohio had shown such symptoms of disaffection, as left the friends of the administration no room to doubt his final intentions; and he has only availed himself of this evasion to unmask himself. There was a time when that member professed different sentiments upon the great questions which divide the country, from those now avowed by him—there was a time when I united with him in a great political object, and was proud of an associate in the cause, in Ohio. It was not that Andrew Jackson, however illustrious in name and services, was to be elevated by that struggle, that I had stood with feelings of pleasure by the side of the member from Ohio, and conquered with him—it was because I believed that whatever had been said, or was found to the contrary, that great man, if elected to power, would administer the Government with a moderation and forbearance, in regard to all those great interests which ambitious and desperate men seemed willing to push to a dangerous and ruinous extreme—that he had the firmness to look popular opinion in the face, and to oppose it when it was misled—that he would bring harmony out of discord—observe the constitution, and revive the hopes of the desponding. But now, at the very moment when these

hopes are about to be realized, and the fruits of the victory begin to unfold themselves, the member from Ohio has shown himself a deserter and a recreant to those principles for which he had formerly contended, and to the banner under which we had stood together in triumph.

The member from Ohio has told the House that a majority of its members were dragooned into the passage of the Indian bill by the heads of departments. It is false. I had hoped that we should hear no more upon the subject of that bill upon this floor, in the tone which had been so finely indulged by many of the gentlemen who had spoken against it, particularly as the concluding argument had been waived. It was not enough that, in the discussion of that bill, when it was directly before the House, every epithet of reproach had been thrown out against its author: that one member should say it was perfidious; another, that it was infamous; and a third, that open bribery had found a sanction in the officers of the Government; and all these denunciations did pass almost unnoticed by the friends of the administration. I sat still, and forbore reply, under repeated slanders of this kind; and, at the instance of the friends of the measure, and in consideration of the advanced period of the session, permitted the question to be finally taken, without reply. But all this does not satisfy the opponents of the bill. I certainly may be allowed to say a word in reply to these repeated allusions to that measure, although not now before the House. It is proper the Executive should be placed in the light and attitude in which they do, in which they deserve to stand, in relation to that measure. The President, in taking the ground he did upon the Indian question, knew that he was incurring great responsibility; that he was brooking deeply-wrought prejudices in various classes of the community; in many sections strong religious feeling; that he was exposing himself to the arts and misrepresentations of his political enemies; yet he dared to take the course he did, because he loved his country and its institutions; that country, for which he had hazarded more than mere personal popularity upon repeated occasions—for which he had offered to die. What had he to gain by his course upon that question? The President had taken a strong interest in the success of the policy of removing the Indians, because he thought it calculated to preserve the harmony of the republic, and its reputation from a blot which the inherent difficulties of our relations with the southern tribes, and the irritations likely to grow out of them, might bring upon it. But, sir, when he had laid the proposition before Congress, he felt his conscience free. He had done what duty prompted; the rest was to be decided here. [Here Mr. VANCE called Mr. B. to order, as he was discussing a bill not before the House.] Sir, I refer to this measure, because it has been brought into this discussion. The administration has been charged with taking an improper interest in it; and it has been repeatedly referred to, as an instance of the extravagance of this Congress. We have been told, in this debate, that while the President scruples to appropriate money to internal improvement, he has urged the adoption of another measure, and, by his influence, carried it through the House, involving an expenditure of half a million of dollars, and that, too, to further a ruinous and disgraceful policy. I consider every thing I have said or shall say upon this subject, strictly in order. When this measure was directly the subject of discussion, I stated that the extravagance of an administration would never be decided merely by the amount expended—that the intelligence of the country, in making up its verdict upon such a question, would look to the propriety of the expenditure—to the necessity which demanded the application of the public treasure; and that praise or censure would follow, as the objects to be accomplished were for good or for evil. I also then stated that the removal of the Indians would bring more money into the treasury, by removing the incumbrance of the Indian title from the

public lands, than would be drawn from it; but enough of this now. Sir, I repeat, that the President, in bringing forward the Indian question in the manner he did, had dared to do his duty, and from thenceforth the responsibility was thrown where it belonged essentially—upon Congress. The spirit in which it was opposed, was such as to make the administration indifferent to its success, so far as regarded their standing with the country. Sir, however extraordinary the declaration may appear to gentlemen, I do declare that the previous question, which was at last successful in bringing that measure to a final vote, was moved without the approbation of many sincere friends of the administration; and had a closing reply been permitted, I was prepared to disavow any interest on the part of the friends of the administration in the measure, as a party measure, and to let the responsibility of its passage or rejection rest wholly with those who doubted its policy, or opposed it upon party grounds. Sir, I have thought, and I do not hesitate now to state my settled conviction, that if no other interests had been involved in the question, than the mere popularity of the administration, the rejection of the Indian bill was to be desired. As an humble friend of the administration, I was indifferent to the fate of the bill; and such I believe to have been the feeling of every member of the administration, so far as their own political interests were concerned. But, sir, the principles involved in, and the interests connected with, the Indian question, rose above the party conflicts of the day. They addressed themselves to higher and nobler feelings. It was upon the disinterested ground of the welfare of the Indians themselves, and the honor of the country, that the question was placed in the opening argument, and by the advocates of the measure generally. Upon such grounds we might have expected the generous feeling and co-operation of all parties—but what response did we find in the leaders of the opposition? Let the spirit of their arguments tell. No, sir, though the bill involved the fate of a whole race of men—a race generally supposed to have been harshly treated by their white brothers, and the measure was itself a great experiment for their relief, and some kindred sympathy might have been expected from political opponents, we found none. It was denounced as an electioneering scheme. How could it be so? The President was already strong in the South. He knew that strong feelings were opposed to it in the North and East. He could have had no hopes of strengthening his own interest. He threw himself on the side of the weak, and braved the opposition of the strong; and in that measure, as well as in the one under consideration, he had indicated the destiny to which he was born—to rescue his country from the midst of dangers which threatened to overwhelm it.

A word in reply to what has been said of the denunciations, alleged to have been made, of those friends of the administration who did not support the Indian bill. Sir, I know there are many gentlemen in this House who have supported, and will continue in the support of, the administration of the present Chief Magistrate, who have confidence in his patriotism, and are grateful for his splendid services, and who yet cannot agree with him in all his political opinions. I know there are many such who voted against the Indian bill—there are doubtless many such who will oppose the doctrines of the message of yesterday; but, sir, there are others who will not fail, as they have not failed, to make those measures a pretext for open opposition, when, in fact, they had been long since secretly false and recreant to their profession. None, however, who observed the movements of individual members during the progress of a recent measure, would fail to see that the line was distinctly drawn between the false and the real friends of the administration, who united to oppose that measure.

[Here Mr. DODDRIDGE called Mr. B. to order.]

My political feelings are not such as to prompt me to assail the feelings or motives of any man, under circumstances of ordinary provocation. My course, during the short time I have had a seat here, I trust, has manifested that I am neither forward nor impertinent in vindicating political friends, nor in assailing opponents, and I hope I shall be permitted to proceed without interruption.

It has been said, in the course of the debate, that the President has undertaken to decide against the will of the people, as expressed through their representatives in Congress, that appropriations shall not be made to objects of internal improvement. The constitution allows the veto of the President upon the will of a majority of Congress. By the course pursued in the present instance, the subject is recommitted to Congress, and an appeal will ultimately be carried before the people, who will, in their returns to the next Congress, pronounce upon the motives of the President, and approve or condemn his councils, as they shall think fit. Before that tribunal he will be arraigned; and if they shall not see the evils of the present system of appropriation in the light he does, he is willing to be prostrated in their esteem. In such a course, he is willing to seek the loss of the smiles of his countrymen—that they shall account all his past services for naught; he is willing to offer himself a sacrifice in the discharge of what he considers a public duty, as he has often done. But, sir, I do not understand the President to be opposed to internal improvement. It is the present unequal and distracting mode of appropriating the public treasure, which he has set his face against. A patriotic system of dispensing the general funds for the improvement of the country, a system which, while it professes to act for the general good, and to become a cement to the Union, shall be so in fact; one which shall be secured against abuses by an amendment of the constitution, is decidedly approved by the message. The expediency of proceeding in the system, as at present practised, is, it is true, as decidedly denied; but it is not proposed to dam up, forever, the stream from the treasury for the beneficent purposes of internal improvement; this I do not believe the people will consent to; but it is proposed to check its flow in its present wild and unrestricted channel. It is believed that the present burdens of the country may be greatly diminished; that manufactures may be duly encouraged, and still have a surplus in the treasury, ample enough for the accomplishment of every desirable object of internal improvement.

The gentleman from Ohio, last up, [Mr. VANCE] has spoken in an improper manner of the fading prospects of the West; and deprecated the idea of diminished expenditures for its benefit. I claim also to be a friend to the interests of the West—that West to which I belong by birth; and I promise that gentleman to go along with him, side by side, in asserting its claim to be regarded in the distribution of the favors of this Government—its claim to a fair portion of whatever funds shall be appropriated to internal improvement; but I differ with him as to the mode of applying them. I contend that the half a million which it would require to extend the Zanesville road through Kentucky, and to make it permanent, applied, under the direction of the Legislature of that State, to various roads of smaller extent, leading from her interior secluded and fertile districts to the great outlets which nature has already provided for carrying off the productions of the whole West, would secure a greater actual amelioration of the condition and prospects of the people of that State, than two millions expended upon any free great road, extending quite through the State, and belonging to any great system of national improvement, executed under the wasteful superintendence of the General Government. I affirm that the same increased proportion of actual advantage and amelioration would attend the application of a small amount to similar objects in Ohio, or in any other western States,

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under the direction of the local authorities, over a larger sum administered by the General Government. Sir, I had intended, when I rose, to pursue this part of the subject much further, but neither my own feelings nor the temper of the House will, at this time, permit the subject to be discussed in an argumentative storm.

Mr. SUTHERLAND said he should vote in favor of the bill. He said Pennsylvania was the friend of internal improvements, and also the friend of General Jackson, and she would abide by both, waiting with confidence for the slow but certain process by which the system of improvements would universally prevail. The President had, in vetoing the bill, exercised only his constitutional power, and he [Mr. S.] and his constituents, in supporting it, were only exercising the power which the constitution granted to them. He represented a State which was friendly to both; for, in fact, Pennsylvania was the first State which had given the present Chief Magistrate an undivided support, and which was also, whilst it had lost no confidence in his first object, being the general good of his country, friendly to the great principle of internal improvement. That such would, sooner or later, be the universal sentiment of the nation, he had no doubt the course of time, and the progress of human affairs, would render apparent.

Mr. WAYNE made some observations in reply to the remarks of Mr. VANCE.

Mr. A. H. SHEPPERD spoke for a short time, in reference to some remarks made on the preceding day, which he conceived to be intended for him.

An explanation took place between that gentleman and the member by whom the remarks had been made.

Mr. ISACKS said, he was sincerely sorry to feel it a duty he owed to himself to say a few words on this subject. From what had of late fallen from different members, and other indications, he scarcely knew whether even he was regarded as the friend or enemy of this administration. To such as might wish to monopolize the entire support of the administration, he had but little to say. This he might say, perhaps, without offence, that "he was an older (not a better) soldier" than those who had, on this day, so much to his satisfaction, pronounced their eulogies upon the President. He had been longer in the service of that cause which brought the present Executive into power, than many who were now far ahead of him, at least in their own estimation.

Mr. I. said, when he came here, some seven years ago, a colleague of the President's, if members of different Houses can be called so, the Tennessee delegation, with one exception, old George Kremer, and perhaps half a dozen others, were all the political friends that could then be numbered for him in Congress. Nothing could be more grateful to him than the multiplication since. He was now, and had been ever since, to this moment; no less the devoted personal and political friend of the President, than he was then and had been before. And, in vindication of his honor, his honesty, patriotism, and firmness of purpose, he would, on any proper occasion, "go as far as he that goes furthest;" and he trusted that his acts, in and out of this House, during the two last struggles for the Presidency, would be taken as a sufficient guaranty for that pledge. But on the present question he differed from the President—and what of that? We have [said Mr. I.] differed before. During the Congress that we were representatives of Tennessee, we often differed; but there was then a class of subjects we did not differ upon. We voted together (I speak from memory, not records) on the survey bill, on the bill to subscribe stock to the Chesapeake and Delaware canal, on the bill for the construction of the road from Canton to Zanesville, in Ohio, and on the bill appropriating fifty thousand dollars to remove obstructions in the Mississippi river. I do not say, and must not be understood to mean, that by those votes either

he or I stand committed for this bill; but, for myself, I will say that, under the influence of opinions formed during the period in which those bills were discussed, and which opinions have never since been changed or shaken, I did, upon mature reflection, vote for this bill when it was here before; my opinion, notwithstanding the arguments by which the President's objections are so powerfully urged, remain the same; and if I live, I will vote for it again. And do I expect by that to offend the President? Not so. If I were to do it, it would but prove that I am what I am, and he is not Andrew Jackson! I think I know the man who now fills the executive chair well enough to be convinced that if, without a change of opinion, I should feel so strongly the influence of the message as to change my vote on this bill, he would think me a villain. I am certain he ought, under such circumstances, to despise me, as I should myself, and am sure he would. But suppose we had a Chief Magistrate capable of taking offence, and feeling resentment for honest consistency in others, I would say to him, I cannot help it; to you, Mr. President, I owe no responsibilities; to none but God and my constituents do I acknowledge responsibility, and these I will discharge as I may.

My colleague [Mr. BELL] anticipates the final settlement of the great question of internal improvement, when the people shall decide, and their will is represented. I heartily join him in that appeal to the people; and, so far as I can, will cheerfully stake the fate of internal improvement, yes, and my own fate, politically, upon that issue. Will my colleague do likewise?

[As Mr. ISACKS concluded, Mr. BELL said, that in nothing he had said had he the remotest allusion to the course of Mr. I. He had no doubt that on this question his colleague fairly represented his constituents.]

Mr. KENNON observed, that, being perfectly satisfied in his own mind that all the arguments which could be adduced would not change a single vote upon the subject, he felt himself bound to move the previous question.

The question was agreed to by a vote of yeas 85, nays 67. So the previous question was carried.

The yeas and nays were called for, ordered, and taken, on the putting of the main question. It was carried by a vote of 105 to 76.

The main question, which was the passage of the bill, the objections of the President notwithstanding, was then put. The vote was as follows:

YEAS.—Messrs. Armstrong, Noyes Barber, Bartley, Bates, Baylor, Beekman, John Blair, Boon, Brown, Burges, Cahoon, Childs, Chilton, Clay, Clark, Coleman, Condict, Cooper, Crane, Crawford, Crockett, Creighton, Crowninshield, John Davis, Denny, Doddridge, Dorsey, Duncan, Dwight, Ellsworth, George Evans, Edward Everett, Horace Everett, Findlay, Finch, Ford, Forward, Grennell, Hawkins, Hemphill, Hodges, Howard, Hughes, Hunt, Huntington, Ingersoll, Irvin, Isacks, Johns, Kendall, Kennon, Kincaid, Lecompte, Letcher, Lyon, Mallory, Martindale, L. Maxwell, McCreery, Mercer, Miller, Mitchell, Norton, Pearce, Pettis, Pierson, Ramsey, Randolph, Reed, Richardson, Rose, Russel, Scott, William B. Shepard, Semmes, Sill, Ambrose Spencer, Sprigg, Standbery, Standifer, Stephens, H. R. Storrs, W. L. Storrs, Strong, Sutherland, Swann, Swift, Test, John Thomson, Vance, Vinton, Washington, Whittlesey, Edward D. White, Wickliffe, Yancey, Young.—96.

NAYS.—Messrs. Alexander, Allen, Alston, Anderson, Angel, Archer, Arnold, Bailey, J. S. Barbour, Philip P. Barbour, Barnwell, Barringer, Bell, James Blair, Bockee, Borst, Bouldin, Broadhead, Cambreleng, Campbell, Carson, Chandler, Claiborne, Coke, Conner, Cowles, Hector Craig, Robert Craig, Crocheron, Daniel, Davenport, W. R. Davis, Deberry, Desha, De Witt, Drayton, Dudley, Earll, Foster, Fry, Gaither, Gordon, Gorham, Hall, Hammons, Harvey, Haynes, Hinds, Hoffman, Hubbard, Jen-

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Graduation Bill.—The Light-house, &c. Bill.

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nings, Cave Johnson, Perkins King, Adam King, Lamar, Lea, Leiper, Loyall, Lewis, Lumpkin, Magee, Thomas Maxwell, McCoy, McDuffie, McIntire, Monell, Muhlenberg, Nuckolls, Overton, Polk, Potter, Powers, Rencher, Roane, A. H. Shepperd, Shields, Smith, Speight, Richard Spencer, Sterigere, Taliaferro, Taylor, Wiley Thompson, Trezvant, Tucker, Varnum, Verplanck, Wayne, Weeks, Campbell P. White, Wilde, Williams.—90.

So the bill, not being supported by two-thirds of the House, was rejected.

SATURDAY, MAY 29, 1830.

GRADUATION BILL.

The bill from the Senate to graduate, or reduce, the price of the public lands, being next taken up;

Mr. IRVIN, of Ohio, moved to lay the bill on the table, as there was no time at this late period of the session, he thought, to go into the discussion of a subject of such magnitude.

Mr. DUNCAN requested Mr. I. to withdraw his motion for a short time, to allow some explanation for the bill; but Mr. I. declined.

Mr. BOON called for the yeas and nays, and Mr. LEWIS made an unsuccessful motion for a call of the House; when

The question was taken, and the bill was laid on the table: yeas, 82—nays, 68.

THE LIGHT-HOUSE, &c. BILL.

The amendments of the Senate to the bill making appropriations for light-houses, &c. as amended by the Committee on Commerce, were taken up. On these amendments a debate arose, which continued till ten o'clock. A large number of members participated in the debate; but such was the confusion and indistinctness of the proceedings to spectators, during several hours of the evening, in consequence of the immense crowd of spectators, male and female, which filled the Hall, even to the seats of the members, that it was impossible for reporters to understand the questions correctly.

One of the principal points of contestation was, an appropriation made by the Senate, of forty thousand dollars for the examination and improvement of Back creek, in Maryland, (connected with the Chesapeake and Delaware canal), which was ultimately concurred in: yeas, 91—nays, 47.

The bill from the Senate to authorize a subscription to the stock of the Louisville and Portland Canal Company, was finally passed by the following vote:

YEAS.—Messrs. Armstrong, Noyes Barber, Bates, Baylor, John Blair, Brown, Burges, Cahoon, Chilton, Clark, Cooper, Crane, Crawford, Crockett, Creighton, John Davis, Deberry, Denny, Doddridge, Duncan, Dwight, George Evans, Edward Everett, Horace Everett, Findlay, Grennell, Hawkins, Hemphill, Hodges, Howard, Hughes, Hunt, Huntington, Ihrie, Ingersoll, Irvin, Jennings, Kendall, Kennon, Kincaid, Lecompte, Leiper, Lyon, Martindale, Mercer, Miller, Mitchell, Muhlenberg, Pearce, Pettis, Pierson, Ramsey, Reed, Richardson, Russell, Shields, Semmes, Smith, Sprigg, Stanbery, Standifer, Sterigere, William L. Storrs, Strong, Sutherland, Swann, Taylor, Test, Thomson, Vance, Varnum, Vinton, Washington, Whittlesey, Edward D. White, Wickliffe, Wingate, Yancey, Young.—79.

NAYS.—Messrs. Cambreleng, Claiborne, Conner, Hector Craig, Robert Craig, Crocheron, Warren R. Davis, Desha, Earll, Foster, Gordon, Gorham, Haynes, Hinds, Cave Johnson, Lea, Loyall, Magee, McCoy, Nuckolls, Polk, Potter, Powers, Rencher, Roane, Augustine H. Shepperd, Speight, Taliaferro, Campbell P. White, Williams.—35.

The bill from the Senate authorizing a subscription to

the stock of the Washington and Frederick Road Company, was finally passed by the following vote:

YEAS.—Messrs. Armstrong, Noyes Barber, Bates, Baylor, John Blair, Brown, Burges, Cahoon, Chilton, Clark, Coleman, Cooper, Crane, Crawford, Crockett, Creighton, John Davis, Denny, Doddridge, Duncan, Dwight, George Evans, Edward Everett, Horace Everett, Findlay, Hawkins, Hemphill, Hodges, Howard, Hughes, Hunt, Huntington, Ingersoll, W. W. Irvin, Jennings, Kendall, Kennon, Kincaid, Lecompte, Leiper, Magee, Martindale, Mercer, Miller, Mitchell, Muhlenberg, Pearce, Pierson, Ramsey, Reed, Richardson, Russell, Semmes, Sprigg, Stanbery, Standifer, Sterigere, William L. Storrs, Strong, Sutherland, Swann, Taylor, Test, Thomson, Vance, Varnum, Vinton, Washington, Whittlesey, Edward D. White, Wickliffe, Wingate, Yancey, Young.—74.

NAYS.—Messrs. Alexander, Anderson, Bell, James Blair, Borst, Cambreleng, Chandler, Claiborne, Conner, Hector Craig, Crocheron, Deberry, Desha, Earll, Foster, Gordon, Gorham, Haynes, Hinds, Ihrie, Cave Johnson, Lea, Loyall, Thomas Maxwell, McCoy, Nuckolls, Polk, Potter, Powers, Rencher, Roane, Augustine H. Shepperd, Samuel A. Smith, Speight, Taliaferro, Verplanck, Campbell P. White.—37.

The bill from the Senate, to authorize the payment of the claim of the State of Massachusetts for certain services of the militia during the late war, was finally passed by the following vote:

YEAS.—Messrs. Alexander, Anderson, Armstrong, Bailey, Barber, Bates, Baylor, Bell, Burges, Cahoon, Cambreleng, Claiborne, Clark, Coleman, Hector Craig, Robert Craig, Crane, Crawford, Creighton, John Davis, Deberry, Denny, Desha, Doddridge, Duncan, Dwight, Earll, George Evans, Edward Everett, Horace Everett, Findlay, Gorham, Grennell, Hawkins, Hemphill, Hinds, Hodges, Howard, Hughes, Hunt, Huntington, Ihrie, Ingersoll, W. W. Irvin, Kendall, Kennon, Kincaid, Leiper, Magee, Martindale, Mercer, Miller, Mitchell, Muhlenberg, Norton, Pearce, Pettis, Pierson, Powers, Ramsey, Reed, Richardson, Semmes, Smith, Sprigg, William L. Storrs, Strong, Sutherland, Swann, Swift, Taliaferro, Taylor, Test, John Thomson, Vance, Varnum, Verplanck, Vinton, Washington, Whittlesey, Campbell P. White, Edward D. White, Wilson, Wingate, Young.—83.

NAYS.—Messrs. James Blair, John Blair, Chandler, Conner, Warren R. Davis, Gordon, Haynes, Jennings, Lea, Lecompte, Loyall, McCoy, Polk, Roane, Augustine H. Shepperd, Speight, Stanbery, Standifer, Wickliffe, Williams, Yancey.—21.

Fatigued to complete exhaustion, it became impossible longer to keep a quorum. For want of which, the House at length adjourned.

MONDAY, MAY 31, 1830.

The bills which originated in this House, last presented to the President for his approbation, were returned for his signature.

The following message accompanied one of these bills:

To the House of Representatives:

Gentlemen: I have approved and signed the bill entitled "An act making appropriations for examinations and surveys, and also for certain works of internal improvement;" but as the phraseology of the section which appropriates the sum of eight thousand dollars for the road from Detroit to Chicago, may be construed to authorize the application of the appropriation for the continuance of the road beyond the limits of the Territory of Michigan, I desire to be understood, as having approved this bill with the understanding that the road authorized by this section is not to be extended beyond the limits of the said territory.

May 31, 1830.

ANDREW JACKSON.

The business of the session being finished, the usual committee was appointed to wait upon the President of the United States to inform him that the House was ready to adjourn.

The committee having reported, the Speaker adjourned the House *sine die*.

OMITTED SPEECHES.

[The revised report of the following speech of Mr. BUCHANAN did not reach the publishers until after the volume was printed. Although too late to insert it in its proper place, it is thought that justice to Mr. B., as chairman of the Judiciary Committee, and author of the report on Judge Peck's case, requires that the speech should not be altogether omitted, and it is therefore inserted here.]

Mr. BUCHANAN, chairman of the Committee on the Judiciary, rose, and addressed the House as follows: If, said he, the Committee of the Whole on the state of the Union had been left to take up this subject simply on the report of the Judiciary Committee, I should have had, comparatively, little trouble. My task would, in that case, have been only to refer, on the one hand, to the language of the report recommending the impeachment, and, on the other, to the testimony, to show that it was sufficient to support the charge. But Judge Peck having seen fit to introduce an extensive and elaborate defence, it has become my duty to investigate the whole case more at large.

I need not, I am sure, bespeak the candid attention of the committee on the present occasion, as the dearest rights of the people of our country, on the one side, and, on the other, those of a citizen occupying a high and responsible judicial office, are deeply concerned in the investigation. Besides, we are not now called upon to decide in a purely *ex parte* case, as the accused has cross-examined the witnesses before the Judiciary Committee, and has presented a defence embracing a very elaborate argument, both on the law and on the fact. The consequence of this interposition of the Judge, should it not influence the committee to vote against his impeachment, must be to cause a contrary decision to bear more heavily against himself. Thus situated, it becomes us all to look well to the testimony.

What is the offence charged? It is illegal, arbitrary, and oppressive conduct, in his office as a judge, towards a citizen of the United States, by imprisoning his person, and depriving him, for the space of eighteen months, of the exercise of his profession. The Committee on the Judiciary, following former precedents, did not think it proper to reduce the charge to any specific form in their report to the House; but its true character is what I have just stated.

I shall now proceed to inquire whether this charge is sustained by the testimony. This is a question which each gentleman must seriously consider for himself. I shall endeavor to present the material facts in as clear and distinct a manner as I am able.

Intention, in every criminal charge, is necessary to constitute guilt. Even if the act be plainly illegal, the committee must still judge whether it proceeded from improper feelings, and sprung from a bad motive. Poor frail man is left to form this judgment from external conduct. He cannot search the heart, nor penetrate the springs of human action. Still, however, he has these general principles to guide his judgment, derived from the highest authority: "out of the abundance of the heart the mouth speaketh;" and "the tree is known by its fruit." If, in addition to the illegality of the action, the committee shall be of opinion that the testimony manifests the existence of an evil intention, the case will then be fully made out. I trust I am one of the last men in this House, or in this country, who would seek, in the remotest manner, to interfere with the constitutional independence of the judiciary. I know that it is the great bulwark of our rights and liberties; and this House will never use its power of impeachment as a means of infringing upon an institution so sacred. But when an individual, elevated to the high and responsible rank of a judge, forgetting what he owes to his own dignity, to his country, and to the liberties of the people, shall, by arbitrary and oppressive conduct, prostrate the rights of a citizen of this republic, it is fit and proper that he should be held up as an example, and be made a victim to the offended majesty of the laws. It

is my deliberate conviction that such has been the conduct of Judge Peck; and I may add, that similar sentiments were held by every member of the Judiciary Committee.

It was with the utmost reluctance that we found ourselves compelled to arrive at such a conclusion, and to present such a report to the House. Throughout all the stages of the examination, we endeavored to divest ourselves of every thing like feeling, and to be influenced solely by a regard to the demands of duty. I shall endeavor to do so, as far as possible, upon the present occasion, and shall now proceed to state such facts as the evidence before the committee has clearly established. Let me briefly refer to the origin of this subject.

On the 26th May, 1824, Congress passed an act enabling claimants of land in Missouri, under French and Spanish grants made before Louisiana passed into the possession of the United States, to apply to the district court of Missouri for their confirmation. Mr. Peck then was, and still is, the sole judge of that court. On the 22d August, 1824, Antony Souldard, who had been the surveyor general of Upper Louisiana, before the cession, presented for confirmation a claim to 10,000 arpents of land, the consideration for which consisted, not in money, but in his services as surveyor general. The claim was peculiar in its character, and was founded on special circumstances belonging to itself alone. The quantity of land was greater than that of the concessions usually granted by the Spanish Government in Louisiana. Indeed, the entire case was one *sui generis*; but I shall not fatigue the committee by entering into its peculiarities. It was argued at great length by the district attorney, (Mr. Bates,) assisted by Mr. Lucas, on the part of the United States; and by Luke E. Lawless, the present complainant, and Colonel Strother, on behalf of Souldard. On the 25th December, 1825, the Judge pronounced his final decree, and gave judgment against the petitioner. Whereupon, an appeal was immediately taken to the Supreme Court of the United States—a circumstance which will be found to have a material bearing on the case now before the committee. This decree was drawn out at length, and places his decision upon grounds where the Judge ought to have suffered it to remain. This concession, according to the decree, was in opposition to the general principles upon which the Spanish authorities had granted land in Upper Louisiana, and therefore could not have been confirmed, even if the sovereignty of the country had not been transferred to the United States. Here the Judge ought to have permitted the matter to rest until after the decision of the Supreme Court of the United States; and if he had, we should never have heard of this impeachment.

It ought to be the first object of every judge to do strict and impartial justice; and his second, to satisfy the public that strict and impartial justice has been done. Judge Peck knew that a great number of these land claims, under various circumstances, derived from Spanish concessions, must come before him for decision, and that many of them were then actually pending in his court. It was natural to suppose that the population of the country thus situated would take a deep interest in all his decisions. They had a right to expect a cool and deliberate investigation of each class of these claims, and that the Judge would approach them with candor, and hold the scales of justice even between all parties. A judge, under such circumstances, should be peculiarly cautious and prudent, and, above all, should never prejudice any case. He ought to wait until each question is fairly brought before him. But what was the course of Judge Peck? Although he had delivered no written opinion in the case

of Soulard, but had confined himself to an oral explanation of the reasons of his decree, yet, in March, 1826, more than three months after final judgment had been rendered, he carried a written opinion to the editor of the Missouri Republican at St. Louis, for publication. This opinion thus, for the first time, came before the public through a political newspaper. Let it be remembered that this is not my assertion; it is that of the Judge himself, who, in his defence, uses this very phrase, when speaking of that newspaper. Now, I ask, was this not an act calculated to arouse the feelings of all that numerous class of persons in Missouri who are interested in claims of this description? What must have been their feelings, when they saw an opinion in which not only the case of Soulard, but all possible cases that could arise under these Spanish grants, were settled in anticipation against the claimants? The Judge at once deprived them of all hope. Notwithstanding his opinion decides that the Spanish ordinance of 1754 never was in force in Upper Louisiana, he proceeds to examine minutely the terms of that very ordinance, and decides against every possible claim which could have arisen under it, had it been extended to that province. In short, he tears up by the roots the claims of all persons under grants or concessions made by the subdelegate or lieutenant governor of Upper Louisiana. Now, sir, considering the existing excitement in that country on the subject, and the strong and general feeling in favor of these claims which prevails there, what must you think of such conduct? Three months after the decision of the cause, and after it had been removed from his court by appeal to the Supreme Court of the United States, he makes his appearance in this manner, in a political newspaper, and, to repeat a phrase for which I have been no little censured, he casts a firebrand into the community.

Mr. Lawless was, at this time, counsel for many of the claimants; and what was his conduct? Why, sir, he pursues a course with which I feel I never should have been content, under similar circumstances. He writes an article, merely suggesting the errors of fact and doctrine which he believed were contained in the opinion of the Judge; an article which I must say, considering the character of this opinion, was humble, tame, and submissive. Even the Judge himself seems to have been conscious of some impropriety in his own conduct. Hear what he says in the last paragraph of his opinion:

"The title to more than a million, perhaps millions, of acres of land was supposed to depend upon the decision of the questions which have been considered; and the opinion having mainly proceeded upon a view which had not been taken at the bar, and having been extended to an inquiry into the source and nature of the Spanish titles to lands in Louisiana, and to an inquiry concerning the laws under which those titles were derived; and the decision of most of the points, therefore, having proceeded chiefly upon grounds which had been little or not at all examined in the argument of the cause, it is deemed proper to remark that counsel will not be excluded from again stirring any of the points which have been here decided, when they may hereafter arise in any other cause."

Thus, sir, you perceive that the Judge himself declares that he had made a sweeping decision which covers the whole ground, and yet that many of the points he had thus settled had not even been mooted at the bar; and, in consideration that they had thus been determined without argument, he gives public notice that they might be re-examined in court.

A judge, who pays a proper regard to his own character and the authority of his own opinions, will never, in delivering them to the public, throw out *obiter dicta* which might embarrass him hereafter. But here Judge Peck, three months after he had delivered a verbal opinion in court, in the case of Soulard, publishes a sort of general

commentary on the Spanish law as applying to the province of Upper Louisiana, by which he decides against the claimants all the questions which could possibly arise under Spanish concessions. I say all the questions, and, if there be any one which he has not virtually decided, I should be glad to hear what it is.

Mr. Lawless, being of counsel in a large number of these cases, publishes in another newspaper, the Missouri Advocate and St. Louis Inquirer, the article signed "A Citizen;" and as this publication is the foundation of the alleged contempt for which he was so severely punished, I shall ask that it may be read by the Clerk.

[Here the article signed "A Citizen" was read accordingly.]

Now, sir, the Judge has spent many pages in proving that these strictures of Mr. Lawless are wilful misrepresentations. So far as I have examined the subject, I think that the decisions attributed by Mr. Lawless to the Judge are all to be found in the opinion. He may have been mistaken in two or three instances. But I shall not go into particulars, at least for the present. This, sir, is the dull, tame, flat article which was considered so flagrant a contempt against the court. To me it appears to have been written as if the author had throughout the fear of Judge Peck before his eyes. I do not believe there is a man in this House, who, in the like circumstances, would have written so mild and so tame an article. What motive could there have been for considering this production a contempt of court? For my soul I never could imagine, (and I believe I am as much disposed to exercise charity as other gentlemen,) unless it might have been to prevent the public from discussing the merits of the opinion in the newspapers. Here is a judge who volunteers in a public journal to proclaim his opinions on all possible points of Spanish land law; a lawyer feeling a deep interest in these opinions ventures to set up his own judgment in opposition to them; and for this offence the Judge fastens upon him, as if resolved to make him an example to all others in like case offending. Accordingly, on the third Monday of April, 1826, at the meeting of the court, the Judge, having taken his seat upon the bench, produced the Missouri Advocate, and inquired if any person present knew who was the editor of that paper. To this inquiry, which was not addressed to any particular person, Mr. Lawless answered that he did; and stated it was Stephen W. Foreman. Now the Judge must have known the name of the editor as well as Mr. Lawless. He resided in the same town, and the name was on the paper itself, yet he called upon Mr. Lawless to swear to the fact. He was selected from all the bar and all the by-standers, and required to make this affidavit. The Judge then immediately dictated a rule upon Foreman, commanding him to show cause, on the next day, at 11 o'clock, why an attachment should not issue against him for publishing a false statement concerning the judicial decision in the case of Soulard. Sir, when I was up before, I expressed the opinion that Judge Peck had made his case worse by his cross-examination of the witnesses. From all the facts elicited by that cross-examination, it appears that the Judge had one object in his eye from the origin of these proceedings. His conduct shows that he knew Mr. Lawless to be the author of the article. He had the victim in his view from the very commencement. When Lawless appeared as the counsel of Foreman, the witnesses declare that the Judge treated him throughout as the author of the publication: that his manner was vehement, that he was much excited, and that he was sometimes quite rude. Although Lawless appeared only as counsel, the Judge constantly adverted to him as being himself the author, employing such language as this: "Sir, you say so and so," "your article states such and such things," "I tell you what you say is false."

Under all these circumstances, and under the many

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vexatious interruptions which he experienced, did Mr. Lawless say or do any thing calculated, in the slightest degree, to cause offence? Not at all. He submitted patiently to the strictures of the court, and argued the case in the most respectful language. He endeavored to satisfy the Judge that his opinion had not been misrepresented, and that the article was neither contemptuous nor libellous; and that, if even it were libellous, the editor was protected from summary punishment by the guaranties of the constitution. Some cases were presented to the court to sustain these positions. All his pleas were overruled, and the Judge was about to pronounce judgment. At this moment, Mr. Lawless, discovering that the matter was likely to become serious, requested the editor to give up his name as the author of the article, wishing himself to meet the consequences. No sooner was this done, than the Judge issued a rule on Lawless, returnable forthwith, to show cause why an attachment should not be issued against him for contempt; and also why he should not be suspended from practice.

The witnesses declare that the feelings of the Judge continued to rise gradually until they reached the highest point of excitement. The rule against the printer had described the article signed "A Citizen" as a false statement, tending to bring odium on the court, and impair the confidence of the public in the purity of its decisions. Not satisfied with this description, the Judge denounces the article in his rule against Lawless as containing "malicious" as well as false statements, and ascribes to it an "intent to impair the public confidence in the upright intentions of the said court, and to bring odium upon the court; and especially with intent to impress the public mind, and particularly many litigants in this court, that they are not to expect justice in the causes now pending therein; and with intent, further, to awaken hostile and angry feelings on the part of the said litigants against the said court, in contempt of the same court."

Now, who but one blinded by his passions could have given such a description of this article? Is there any gentleman within the sound of my voice, who, upon reading the commentary, will say it is, in any degree, applicable? Lawless came before the court condemned already. When his counsel attempted to prove that the article was not a contempt, they were told they would not be permitted to argue that question. The Judge would not hear a word upon that subject. He had determined it to be a contempt, and his will was the law. A citizen of the United States is thus brought before a judge upon a criminal charge involving in its punishment consequences of the most serious character, and the lips of his counsel are sealed upon the principal point of his defence. Not being permitted to present this view of the subject, they argued the remaining question with great ability, and attempted to satisfy the court that, even admitting the article to be contemptuous, it should be tried and punished in a different manner. Their arguments were all in vain.

Now comes the concluding scene, which, to my view, displays the evil intention—the improper motives of the Judge, in the clearest light. He was nearly blind, and unable to read the article himself. At his request, it was read by the district attorney, paragraph by paragraph, and, at the end of each, the Judge made his commentaries. He was much excited, his manner was very warm, and he was occupied two or three hours in delivering his opinion. And what was its whole tenor? Instead of the calm, dignified, and impartial manner which becomes a judge upon all occasions, and particularly when he himself is also the party, we find him heated, acrimonious, and severe. He often used the words "calumniator," "contemptuous," "slandrous," "libellous," as applied to Mr. Lawless and his article. He even forgot himself so far as to say that in China the house of such a calumniator would be painted black, as an evidence of the blackness

of his heart, and as a warning that the whole world might avoid him. Throughout, Lawless uttered not a word, not a murmur, in reply. At length, able to endure the abuse no longer, after consulting his friends, he rose, and left the court-house.

Had you, Mr. Chairman, been a member of the bar, placed in the situation of Mr. Lawless, what would have been your conduct on the occasion? Could you, with feelings lacerated and excited to frenzy, have sat silently and patiently, and heard the Judge for two or three hours uttering every odious epithet against you, and even declaring that in China your house would be painted black, as an emblem of the blackness of your heart?

At the conclusion of this scene, Mr. Lawless was sent for, and sentenced to be committed to prison for twenty-four hours, and suspended from the practice of his profession for eighteen months. He was thus, by the arbitrary mandate of the Judge, not only deprived of his personal liberty, but of the means of supporting himself and his family. And yet we are to be told that no malice, no evil intention, dictated this proceeding; that the only motive of the Judge was to preserve the administration of justice from contempt. I have stated the facts, and shall leave every gentleman to draw his own conclusions.

I admit that we ought not to impeach a judge simply because his conduct has been illegal. All must agree that this may be the case, and yet he may not deserve punishment. But illegal and oppressive proceedings, accompanied by violence of manner, by passion, and by the appearance of revenge, present a very different case, and give birth to very different conclusions.

I shall not at present permit myself to be drawn into a particular examination of the cases cited by the Judge. His case stands alone. No contempt whatever exists in the article. It is the mere opinion of a lawyer against that of a judge. From the revolution in England until this day, no case can be cited which bears any parallel to the present. If there be such a one on record in that country, I hope it may be produced.

Here I might, and perhaps ought to conclude my remarks, but it seems proper and respectful to the committee that I should state what I believe to be the law in regard to contempts of court. In England, there are two kinds of such contempts; the one direct, the other constructive. From necessity, the power to punish direct contempts in a summary manner must exist in every court of justice. Without such a power, they could not proceed with their business. In its exercise, this power is generally confined to cases of official misconduct in the officers of the court, to the disobedience of parties, jurors, and witnesses, to its lawful orders and process, and to misbehavior in the face of the court, tending to obstruct the administration of justice. If a witness shall wilfully disobey a subpoena, the court from which it issued must, in the nature of things, possess the summary power of compelling his attendance, and punishing him for contempt, by attachment. So, if a sheriff refuse to obey an order of court, necessity requires the exercise of a similar power. If a by-stander will violate order and interrupt the court whilst transacting the business of the country, self-preservation demands that it should possess the power of summarily punishing such an offender. The Supreme Court of the United States have decided that an attempt to bribe a member of this House, although the offer were made in a letter written at a distance, is a direct contempt of its authority, and may be punished by the House with fine and imprisonment.

Constructive contempts are, in their nature, of a very different character, and, under a free Government, will ever be viewed with jealousy and suspicion. The trial of such contempts, in a summary manner, deprives the accused of the protection of a grand and of a petit jury, and often constitutes the injured party both the judge

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and the avenger of his own wrongs. The judge, when the object of the contempt, becomes himself the accuser, tries the offence, and punishes the offender at his own arbitrary discretion, with as heavy a fine and as long an imprisonment as he may think proper. Is not this a power in its nature revolting to every freeman? Judges do not cease to be men when elevated to the bench. They are still but frail human creatures. Is it not then a dangerous, a tremendous power to make any man the judge in his own cause of a contempt committed against himself, and under excited feelings to limit him, in the measure of the punishment, only by his own mercy and his own sense of justice? Arbitrary discretion thus takes the place of positive law.

I shall not affirm that no case exists in which the courts of the United States ought to possess the power of punishing summarily for constructive contempts. I can conceive but of one; and then this power, if it exists, is conferred upon the judge, not to enable him to avenge his own wrongs, real or imaginary, but to prevent injustice between the parties to a cause actually pending in court. If, whilst a cause is depending, particularly a case to be determined by a jury, an inflammatory publication should be made in a newspaper, touching the question to be decided, calculated to enlist public feeling in favor of the one party, or prejudice it against the other, the court may possibly, under such circumstances, inflict summary justice upon the author. If such a power does exist in this country, it is the utmost limit. But whether it exists or not, if such had been the circumstances of the case now before the committee, I should have been the last man in this House to recommend an impeachment.

In Pennsylvania, where the courts are as much respected as in any other State of the Union, even this power has always been denied; and, in 1809, the Legislature of that State passed an act, declaring that no publication out of court, even concerning a cause depending, should be construed into a contempt, so as to render the offender liable to attachment and summary punishment. They thought it most expedient to leave the party who deemed himself injured, to proceed by indictment or action at law to obtain his redress. I have never known the least inconvenience to arise from this legislative enactment.

Long before this act had passed, the exercise of this summary power by the courts of that State, in the case of a *lis pendens*, had been made the subject of legislative investigation and impeachment. The case of Oswald occurred in 1788; and although he had been fined and imprisoned for the publication of a most inflammatory article, in relation to a cause then actually depending before the Supreme Court of Pennsylvania, the conduct of the judges became the subject of a most serious investigation by the Legislature. In the case of the Commonwealth vs. Passmore, which occurred in 1802, although he had been the author of a publication which on its face was clearly intended seriously to injure the character of one of the parties to a cause depending in relation to that very case, the judges of the Supreme Court were impeached, and were within three votes of being convicted by a majority of two-thirds of the Senate, for fining and imprisoning him in a summary manner for this alleged contempt. Although no man can read that publication without at once pronouncing it a direct attempt to interfere with the due course of justice, yet thirteen out of twenty-four Senators believed the sentence of the court to have been an illegal, arbitrary, and unconstitutional exercise of power, for which the judges ought to have been deprived of their offices. These cases, I presume, produced the act of 1809. From its language, it does not appear the Legislature entertained the most remote idea that any judge, when the cause was no longer pending, and after final judgment had been rendered, would attempt, as Judge Peck has done, to punish in a summary manner any citizen who might

think proper to comment upon the opinion which had been delivered.

What is the question which Judge Peck has attempted to raise in his defence? Although I deny that any facts exist in this case, out of which such a question can arise, yet it may be well to consider the nature of the power which he contends belongs to the judiciary. I never did expect to hear it seriously and gravely asserted, by a judge of the United States, before this House, that, if a libel were published against him affecting his judicial character in relation to an opinion which he had delivered upon the final decision of a cause, he could, in a summary manner, try and punish the offence according to his own discretion. If such a power exists in any case of libel, it is for the purpose of securing justice to the parties in a cause depending. When the cause is decided, the judge, in relation to it, is placed in the same situation with any other public officer, and must suffer the fate to which we are all subjected. If he feels that his general conduct and character are not a sufficient defence against attacks of the press, like every other citizen, he must seek redress by instituting a public prosecution or a private action. In such a case, he possesses no peculiar privileges. He cannot become the judge in his own cause. Will it be contended upon this floor that such an arbitrary and unconstitutional power exists in the judges? That they, in this respect, stand upon a different footing from all other public men? Why should they be made the judges of such injuries against themselves, more than the President of the United States, the members of this House, or any other high officer of the Government? What, sir! after a judge has committed his final opinion to the world, upon a great constitutional question—a question in which the rights and liberties of the people may be deeply involved, must the citizen who attacks its doctrines, even in inflammatory language, do it under the penalty of being fined and imprisoned at the arbitrary will and pleasure of the author? If such be the law, we be to the man who shall be bold enough to hazard a free commentary upon any opinion of a tyrannical judge. Had this doctrine been established ten years ago, the distinguished individual who is now and I hope may long continue to be the Chief Justice of the United States, if the will had not been wanting, might have imprisoned many of the most distinguished patriots of the country, for severe strictures on his constitutional decisions.

It may be worthy of remark, that, if this formidable power does exist in the judiciary, it exists without appeal. The principle is well settled, that in cases of commitment for contempt the injured party has no redress. He must endure the penalty, without the possibility of having his case reviewed by any other judicial tribunal.

One might almost suppose, from what has transpired in this case, that Judge Peck had forgotten that there was an American revolution in 1776, and that the federal constitution has guaranteed to citizens of the United States some rights which are not possessed by the subjects of the Crown of England. There was a portion of his cross-examination of the witnesses of so strange a character that I could not, at the time, conceive what was his object. I shall read a few of his questions, with the answers of the witnesses. He asked, "Was it insisted in the argument that the liberty of the citizen, of speech, and of the press, would be violated by the proceeding contemplated by the rule?" A. "It was." "Was it insisted that the constitution, and the right of trial by jury, were also violated?" A. "It was." "Was the proceeding represented to be incompatible with the genius of our Government?" A. "I believe it was." His defence has cast some light upon the object of these questions. However strange it may appear, it seems he was desirous of casting even a darker shade upon his conduct, that it might more nearly resemble some English precedents, in which he alleges the liberty of the

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citizen, of speech, and of the press, and the right of trial by jury, had been interposed to shield the accused, and interposed in vain. Let him speak for himself. He says—

"In the present instance, although the petitioner, Mr. Lawless, has attempted to give solemnity to his complaint, by representing the freedom of the press, the right of trial by jury, and the liberty of the American citizen, to have been violated in his person, in the summary punishment for a contempt of court, inflicted on him, yet your memorialist has no fear of satisfying this honorable House, if an opportunity shall be afforded him, that these are the trite topics continually resorted to, and resorted to in vain, in Great Britain, whenever the courts of that country have found it necessary to punish summarily a contempt."

Heaven forbid that these topics should ever become trite in the United States! that they should ever lose their protecting energy!

It is, I believe, admitted, at this day, by all classes of politicians, that the seditious law was unconstitutional. What was the argument in favor of that measure? The Federal Government, said its advocates, must necessarily possess the incidental power of protecting itself against malicious libels; an argument much stronger when applied to that Government, the two Houses of Congress, and the President of the United States, than to Judge Peck. Yet he, for the purpose of preserving his judicial dignity, claims a power which Congress could not confer upon him. If you were to pass an act to-morrow, authorizing the judge to try and punish libels, in cases between third persons, it would be a dead letter on the statute book, on account of its repugnance to the constitution. But yet he claims the power of trying and punishing such offences, even where he himself is the party. The seditious law was moderation itself, compared with this claim. Under its provisions, the accused was entitled to the benefit of a grand and petit jury, and had an opportunity of confronting the witnesses against him, face to face. In the case now before the committee, Judge Peck combined in his own person the offices of the prosecutor, the grand jury, the petit jury, and the judge; and he punished, according to his own discretion, the libel committed against himself. In such a proceeding, it is not wonderful that the guaranties of the constitution, however strong their language, should have been resorted to in vain. The constitution declares that Congress shall make no law abridging the freedom of the press; but Judge Peck punishes the exercise of this freedom, even when he himself is the party. Should the committee sanction these principles, the Judge will indeed have established that the constitution, the right of trial by jury, and the liberty of the press, are nothing better than trite topics. Need I urge this argument further?

On this floor, it is scarce necessary to refer to the English law for the purpose of showing what libels are considered contempt of court in that country. I have examined all the English authorities to which I had access, and I have not been able to find a single case in which their courts have summarily punished a libel, except in causes actually depending. Although the language of Blackstone and Lord Hardwicke is sufficiently general to embrace other cases, I doubt exceedingly whether one can be found in the books, where the doctrine was applied in practice after the cause had been decided.

From the very first sentence of the opinion of the Tennessee court, in the case of *Derby*, it appears that there was a cause pending. What was the particular character of that contempt, is not stated in the opinion; and thus we are left wholly in the dark in regard to its merits.

It is hardly necessary to remind the committee that I have been arguing the question as if the publication of Mr. Lawless had been libellous against the Judge, instead of being the tame and respectful article signed "A Citizen."

I have now said all that I deem necessary. I have spoken with great pain to myself, and I fear to the committee also. Indeed, I have been scarcely able to proceed at all, as you must have perceived. Under these circumstances, I feel much indebted to the committee for their attention.

Mr. B. concluded by submitting the resolution which had been reported by the Committee on the Judiciary.

[The following speech of Mr. HUNTINGTON was inadvertently, in compiling the volume, omitted at its proper place, and is inserted here.]

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The House having resolved itself into a Committee of the Whole on the State of the Union, and the bill from the Senate, "To provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi," being under consideration, Mr. HUNTINGTON rose, and said:

If the bill for which this had been substituted, though nearly identical with it, had been accompanied by a report from the committee, confined to a statement of facts and principles, connected with what are said to be the objects of the bill itself, he should not have troubled the House with any remarks upon it. I would not, said Mr. H., have mingled in a debate which would then have been limited to the expediency of adopting the legislative provisions proposed to be enacted. But as the committee have reported the bill, "in conformity with the suggestions contained in the report, and to effect the object recommended in the message of the President," as that report and that message contain sentiments with which I do not accord; as they advance principles which, in my judgment, are not tenable—principles which, if I understand them correctly, deprive the Indian tribes to whom they are applied, of rights well defined, long enjoyed, and secured and guaranteed by the most solemn compacts, and the plighted faith of a nation which, hitherto, has been, and always, I trust, will be, jealous of its own honor, and who will not set the first example of a christian nation, who will disregard its own engagements, because they have been entered into with a weak, defenceless, unprotected people, I have not been willing to give a silent vote upon the proposition now before us. My own sense of duty, and the sentiments of a great portion of my constituents, who take a deep interest in this subject, demand of me that I should express their opinions and mine, on a topic which enters into the best feelings of our nature, which is connected with the honor of our common country, and the welfare of a race once powerful, but now weak, and looking to us with anxiety, but not without hope, for that protection which the faith of the Government is pledged to afford.

Before I enter into the examination of what are called in the report "the pretensions of the Indians, and of the obstacles which are considered as being in the way of their indulgence by the Government," I solicit the attention of the committee to the language of the Executive, in his message at the opening of the session, and to the construction or commentary which has been put upon it, in another place. I shall examine it with all the respect which is due to the Chief Magistrate of this nation, and to the elevated and honorable station which he occupies; but, at the same time, and holding his advisers responsible for it, I shall make this examination with all the freedom of a representative of the people, sworn to support the constitution of the United States. I noticed with much pleasure in the inaugural address of the present Executive, the following expressive sentence: "It will be my sincere and constant desire to observe towards the Indian tribes within our limits a just and liberal policy; and to give that humane and considerate attention to their rights, and their wants, which are consistent with the habits of our Govern-

ment, and the feelings of our people." How far this pledge has been observed, will be seen in the progress of this discussion.

In the message, Congress are informed that the President has been called on by a portion of the Southern tribes for protection, in consequence of the extension by the States of Georgia and Alabama of their laws over these tribes; that, in answer to this application, he stated to them that their attempt to establish an independent Government would not be countenanced by the Executive of the United States; that it was too late to inquire whether it was just for the United States to include these Indians and their territory within the bounds of new States, whose limits they could control; and that they should be distinctly informed that if they remained within the limits of the States, they must be subject to their laws. The same opinions are advanced in the letter of the Secretary of War to the Cherokee delegation, dated April 18, 1829, in which they are told, by order of the President, that the State of Georgia has extended over their country her legislative enactments, in virtue of her authority as a sovereign, independent State, which she and every State embraced in the confederacy, from 1783 to the present time, when their independence was acknowledged and admitted, possessed the power to do, apart from any authority or opposing interference by the General Government. In these documents, then, we find the legislation of Georgia and Alabama over the Indian tribes within their chartered limits, sustained, as of right, and an explicit avowal made that the President will not interfere to prevent it. And what is the construction put upon this language? Not merely that the operation of the State laws is not to be opposed, because the guaranties contained in treaties with the Indians do not require it; not that, if they did require it, the existing laws are insufficient for that purpose, but "because," as stated in the report to the Senate by the Committee on Indian Affairs of that body, "in the opinion of the Executive, constitutional objections exist, which it is not in the power of Congress to remove, by any law which they could enact." If this be the right interpretation of the views entertained by the Executive, the doctrine is advanced, that treaties made with all the forms and solemnities known to the constitution, ratified by the President with the consent of his constitutional advisers, and thus made, so far as the executive branch of the Government can make them, the supreme law of the land, and declared so to be by the constitution, are not to be regarded and enforced, if, in the opinion of the President, such treaties contain provisions inconsistent with what he considers the legitimate rights of the States; or, expressed in other words, if the Executive deems a law of Congress, or a treaty duly ratified, to be an encroachment upon State rights, or, for any other reason, an excess of delegated power, he is at liberty to refuse his aid in causing them to be "faithfully executed." Is this a sound interpretation of the duties which the constitution has devolved upon the President? Is he made the judge of the extent of the powers of Congress, or the treaty-making power, after that power has been exercised in the manner prescribed by the constitution? Has he been constituted, in such cases, a judge, to determine whether treaties are constitutionally binding? whether laws which have been enacted are void, for want of power to enact them? If so, there seems to be no necessity for the clause in the constitution, which provides that "the judicial power shall extend to all cases in law and equity arising under the constitution, the laws of the United States, and treaties made, or which shall be made, under their authority." If so, there is no division of the department of this Government into executive and judicial: the latter, for all practical purposes, is annihilated; and the provision, that a bill which has been returned by the President with objections, reconsidered, and then approved by two-thirds of both

Houses of Congress, shall become a law, is a dead letter. The President, if he can lawfully refuse to execute a law, or enforce the provisions of a treaty, because he has constitutional objections or scruples, constitutes himself the executive and judicial departments of this Government. Such, in my judgment, is not his prerogative; and I believe it is the first time in the history of this nation, since the adoption of the constitution, that opinions like these have been advanced. Sure I am that they were not the opinions of any of his predecessors, or of those wise men who framed the constitution, or of the people of this country; and I have deemed it indispensable to advert to them, lest it might be thought from silence that they met with universal approbation. The Executive has no constitutional right to say he will not execute a law, because he considers it void for want of authority to enact it. No such discretion has been confided to him; I trust it never will be; and if his scruples are such as to deter him from enforcing it, let him resign the trust which has been confided to him. This is the only course he can adopt under such circumstances. The legislative and judicial departments are powerless, and the Government is a rope of sand, if such opinions are entertained and acted on. Every law may depend for its execution upon the will of the Executive. And in these days of strict construction, it may be feared that few legislative enactments will pass unhurt through this ordeal of Presidential discretion.

Having thus, very briefly, adverted to the opinions entertained and avowed by the Executive in regard to the "pretensions" of the Indian tribes, on the supposition that their construction of the treaties made with them, and of the laws enacted to regulate the intercourse with them, is correct, I proceed to consider the great questions involved in this discussion.

The report denies to the Indian tribes any title whatever to the lands which they occupy within the chartered limits of any State; and asserts a right in the States within which they are located, to extend their legislative enactments over them, and, consequently, a power to annihilate their political existence as communities, to be governed by their own laws, usages, and customs. Nor does the Executive, in his message, acknowledge any title to the lands as subsisting in the tribes.

In the letter from the War Department, before referred to, the Secretary says, "an interference to the extent of affording you protection and the occupancy of your soil, is what is demanded of the justice of this country, and will not be withheld;" though he adds what would seem to make this interference of little, if any use, looking very much like "keeping the word of promise to the ear, and breaking it to the hope." It is in these words: "Yet, in doing this, the right of permitting to you the enjoyment of a separate Government within the limits of a State, and of denying the exercise of sovereignty to that State within her own limits, cannot be avoided. It is not within the range of power granted by the States to the General Government, and, therefore, not within its competency to be exercised. No remedy can be perceived, but a removal beyond the Mississippi, where alone can be assured to you protection and peace. To continue where you are, within the territorial limits of an independent State, can promise you nothing but interruption and disquietude." And the President, in his message, speaking in reference to the same tribes, says: "Though their emigration should be voluntary, yet it seems visionary to suppose that claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase." It will be observed that this language is spoken of the Cherokees, who have dwelt on, and improved their lands; and seems, at least, to imply that they have no title to the lands within their boundaries. But it is unnecessary to make further reference to the message. I shall con-

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tent myself with referring to the report; and, so far as I am able to comprehend it, there is not only no acknowledgment of any title in the Indian tribes, but the spirit of every part of it is utterly at war with any such acknowledgment.

The committee say, (p. 4.) "It is certain that possession, actual or constructive, of the entire habitable portion of this continent was taken by the nations of Europe, divided out, and held originally, by the right of discovery as between themselves, and by the rights of discovery and conquest, as against the aboriginal inhabitants. The pretensions of the Indians to be the owners of any portion of the soil, were wholly disregarded by the Crown of England."

Here the opinion is advanced, that the Crown by discovery and conquest obtained either the possession, or right of possession, of the whole of the soil then and now occupied by Indian tribes, and admitted no right in these tribes to any portion of it. The title and the possession being thus in the Crown, it permitted the Indians, in all of them, to be governed or otherwise disposed of by the colonial authorities, without any interference on its part, until within a short period before the revolution. And in all the acts, first of the colonies, and afterwards by the States, the fundamental principle that the Indians had no rights, by virtue of their ancient possession, either of soil or sovereignty, has never been abandoned, either expressly or by implication.

The principle was adopted (p. 8) that the Indians had no permanent interest in their hunting grounds; their right to hold their reserved lands can be supported on no other ground than the grant or permission of the sovereignty or State in which such lands lie. This was in the Crown before the revolution, and in the States after that event, succeeding, as they did, to the sovereignty over all the lands within the limits of their respective charters. The Indian boundaries were considered temporary. The treaties made with them were but a mode of Government and a substitute for ordinary legislation, which were from time to time dispensed with. (p. 12.) Territory and jurisdiction, considered in reference to a State or nation, are inseparable; the one is a necessary incident to the other; and as a State cannot exist without territory, the limits of that territory are, at the same time, the limits of its jurisdiction. The policy of Georgia (p. 13) has always been to contract the Indian reservations, gradually, within such reasonable limits, that no part of the country should remain uncultivated. Her policy in this respect was a part of her rights; any thing which tends to defeat its operation, is a deprivation of right. It is understood that neither Georgia nor any other State will attempt to appropriate the lands within the Indian reservations without their consent.

Can it be doubted, after these quotations, that the report denies to the Indians the right both of sovereignty and soil? It would seem not: and supposing this to be its meaning, and as expressive of the opinions of the committee, which we are called upon to adopt or reject, I proceed to an examination of the nature and extent of the Indian title to the lands within their boundaries.

In my judgment, neither of the positions assumed by the committee in their report is tenable. I think it capable of demonstration, that the right of the Indian tribes to the lands which they occupy is paramount to, and exclusive of, all others, whether nations, States, or individuals; it is a right to occupy, enjoy, possess, and use, according to their own discretion, indefinitely and forever, and, for all practical purposes, is absolute. The only restriction is that of alienation at pleasure. This power of alienation is not, and cannot be, claimed by these tribes: for the right of discovery, in the first instance, and the voluntary compact of the tribes afterwards, gave to the Government of the United States the ultimate title, charged with the Indian right of possession, or occupancy, and the exclusive power

of acquiring that right. In other words, the Indians have the sole right of occupancy. To that they have a just and legal right, and it includes the use in such manner as they please, and is indefinite in duration, and of which they cannot be dispossessed, except by cession or compact. The Government have the exclusive right of purchase, and the ultimate right, whenever the possession becomes vacant, by voluntary dereliction, or by the extinction of the tribes.

I think, also, it can be shown that these tribes are separate, distinct communities, wholly independent of the States; not subject to their legislation, and possessing the right of self-government—the right to be governed by their own laws, customs, and usages; and under no restraint, except such as they have imposed upon themselves, in their treaties with the United States.

The foundation of their title is occupancy. They have been in possession, claiming the right to the soil, from our first knowledge of them. They were found here when this country was discovered. They, and they only, have possessed it, and this occupancy has been from time immemorial. Writers on jurisprudence agree in the proposition "that the original right to all kinds of property arose from pre-emption, and that in a state of nature every one might possess himself of, and retain, any vacant subject. The first occupant had a right to grant, cede, or transfer the subject he had possessed himself of, to such persons, and upon such terms, as he thought proper: and if, before such grant, cession, or transfer, the occupant died, his property descended to his children. The right of transmitting property always resided in the owner, and civil institutions only prescribed the mode of carrying that right into effect. In that period of society, when countries were formed, and their boundaries fixed, we find that different districts were appropriated to the native owners, the first occupants, or, in case of vacant or derelict lands, to the first discoverers."

What rights over the lands inhabited and possessed by the Indian tribes, did the Government making the first discovery of them acquire? Were they such as to annihilate the previous existing title of the aborigines to them? Not at all. The discovery conferred the right of making settlements, or forming establishments, whenever the prior right of occupancy was lawfully extinguished; connected with the right of pre-emption, and the ultimate right in fee, whenever the Indian tribes should become extinct. The power to exclude other nations from occupying, or making purchases of the natives, was an incident to the discovery, and was afterwards conferred by the Indians in their treaties.

It will be obvious that this view of the subject is correct, by referring to the uniform course adopted by the Crown of England, by the colonies, by the States, after the revolution, and by the States and General Government, since that period, up to the present time; confirmed by repeated adjudications of the highest judicial tribunal of this nation.

The first attempt to dispose of a whole continent, without reference to the rights of the aboriginal inhabitants, was made in 1493, the year after the discovery of America, by Pope Alexander the Sixth, who gave it to the Crown of Spain, on the assumed principle that infidels were unjust possessors of the lands on which their Creator had placed them. This grant was accepted, contrary to the advice of the civilians and Crown lawyers of Spain; and one of the bishops, in a treatise dedicated to Charles the Fifth, holds this strong language: "The natives of America, having their own lawful kings and princes, and a right to make laws for the good government of their respective dominions, could not be expelled out of them, or deprived of what they possess, without doing violence to the laws of God, as well as the laws of nations."

The English princes, though they did not acquiesce in

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the right of the Pope to make these grants, made out their commissions on the same principle, the distinction between infidel and christian nations. It is true that grants were made; charters passed under the great seal, and the British Crown asserted the right of conveying the soil, though in possession of the natives; or, as it has been sometimes said, of appropriating the lands occupied by the Indians. But it was only the ultimate right of property, the reversionary interest, which they claimed, and which they professed to have the power to convey. It was the right to extinguish the Indian title of occupancy, and nothing more, which they either possessed or claimed to possess. The Indians were always "admitted by the Crown to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it, according to their own discretion," and of which they could not be dispossessed by legislation, but by conquest or cession only.

I have said that the Indian title, thus explained, was always and uniformly admitted by the Crown, the colonies, the States, the old confederation, and the Government of the United States since the adoption of the constitution; and that it has received the sanction of the highest judicial tribunal of this country. I will ask the attention of the committee to the proof in support of this position.

In 1750, the Superintendent of Indian affairs informed the Indians assembled at Mobile, in the name of the King, that no encroachments should be permitted on their lands; and that all treaties made with them would be faithfully kept on the part of the Crown.

In September, 1753, by order of the King, instructions were sent to the Governor of the province of New York, to appoint commissioners, who, in conjunction with commissioners from other neighboring Governments in alliance with them, should make a treaty in his Majesty's name, with the Six Nations. In these instructions, it is stated, "that nothing may be wanting to convince the Indians of the sincerity of our intentions, you will do well to examine into the complaints they have made of being defrauded of their lands: to take all proper and legal methods to redress their complaints, and to gratify them by reasonable purchases, or in such other matters as you shall find most proper and agreeable to them, for such lands as have been unwarrantably taken from them, and for such others as they may have a desire to dispose of." In June, 1754, pursuant to these instructions, commissioners met at Albany, from the provinces of New York, New Hampshire, Massachusetts, Rhode Island, Connecticut, Maryland, Pennsylvania, and Virginia. Hendrick, in behalf of the Six Nations, told the commissioners, "that the Governors of Virginia and Canada were both quarrelling about lands which belonged to them." The commissioners replied to them, and said: "We gladly understand that you gave no countenance to the French, who went to the Ohio, and have entered on your lands. You did put this land under the King our father, and he is now taking care to preserve it for you. For this end, among others, he has directed us to meet you here; for although the land is under the King's Government, yet the propriety or power of selling it to any of his Majesty's subjects, having authority from him, we always considered as vested in you. We ever did, and still do, acknowledge it to belong to you, although within your father the King of Great Britain's dominion, and under his protection!" A treaty of alliance and defence was, at that time, made with the Six Nations.

In allusion to this treaty, the Governor of Pennsylvania, in his address to the Assembly of that State, says: "From the proceedings at the late treaty of Albany, you will clearly perceive that the lands on the river Ohio do yet belong to the Indians of the Six Nations, and have long since been put under the protection of the Crown of England."

In April, 1755, General Braddock sent instructions to the

Superintendent of Indian affairs of the King, in which, after mentioning that the Five Nations, in 1791, had put their lands under the protection of the King, to be guaranteed to them and their use, and that certain other tribes, in 1726, had put their lands also under the same protection, to be protected and defended by the said King, his heirs and successors, to the use of the tribes and their successors forever, he adds: "You are in my name to assure the said nations that I am come by his Majesty's order to build such forts as shall protect and secure the said lands to them, their heirs and successors, forever."

In the memorial delivered by the British minister to the French negotiator in 1755, (June,) he says: "Whatever pretext might be alleged by France, in considering these countries as the appurtenances of Canada, it is a certain truth that they have belonged, and, as they have not been given up or made over to the English, belong still, to the same Indian nations. What the court of Great Britain maintains, what it insists upon, is, that the Five Nations of the Iroquois are by origin, or by right of conquest, the lawful proprietors of the river Ohio, and the territory in question."

In May, 1755, Sir William Johnson said to the Six Nations: "Agreeably to the instructions I have received from the great King your father, I will reinstate you in the possession of your lands." And again, in February 1756: "The King will protect your country, and the lands which your fathers conquered, and are of right your territories, against all violence."

In August, 1760, Lord Amherst assured the Six Nations "that their lands should remain their absolute property."

In 1762, the commanding officer at Fort Pitt prohibited, by proclamation, any of the subjects of the King from settling west of the Alleghany mountains, that country having, by the treaty at Easton, in 1758, been allowed to the Indians for their hunting grounds.

In 1763, a royal proclamation was issued, restraining the Governor of Virginia from making grants west of the Alleghany mountains, because that country, not having being ceded to or purchased by the Crown, was reserved to the tribes of Indians who lived under the protection of the King, as their hunting ground.

I will not detain the committee by quoting from the proceedings at what was called the Congress of Fort Stanwix, in 1768; from the opinions of the learned in the profession in England, of Dr. Franklin, Patrick Henry, Judge Pendleton, and Mr. Mercer, on the operation and effect of the grant from the Six Nations to William Trent, and of the ratification of that grant by the Crown, by the treaty at Fort Stanwix. It may be remarked, however, that all these distinguished men agreed in opinion that the title of the Indians was one which could not be disturbed without their consent; and some of them supposed their power to convey was absolute, both as to the manner and the grantees, as an incident to their right of property in the soil.

The treaties made between Great Britain and the Chickasaw and Choctaw Indians, at Mobile, in 1765, and the Upper and Lower Creeks, at Pensacola, in May and November, 1765, all recognise the same right in these tribes, which has heretofore been stated: boundaries are established, and all the lands not embraced within the limits which include what the Indians reserve to themselves, and which are declared in these treaties to belong to them, and in which they have full right and property, are granted and confirmed to the Crown.

It may safely be affirmed that in no instance did the Crown of England ever claim in practice a right by discovery, but only by purchase, to interfere with the Indian title of occupancy, as before explained. It admitted in the fullest extent the necessity of extinguishing it, before the Indians could be deprived of their lands; and in all their acts, whether in the form of instructions, proclamations,

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laws, or treaties, acknowledged the title of the aborigines, and claimed only the exclusive right of purchase, and the ultimate reversionary right in fee.

Such being the relative situation of the Crown and the Indian tribes, as to the lands occupied by them, let me now call the attention of the committee to the acts and declarations of the colonies and States, particularly Georgia, and it will be seen that the same principles were adopted, the same rights conceded to the Indians, and the same interest asserted to exist in the colonies and States.

In June, 1779, the Assembly of Virginia resolved that the commonwealth had the exclusive right of pre-emption from the Indians within the limits of its own chartered territory, and that such exclusive right of pre-emption would and ought to be maintained by the commonwealth to the utmost of its power. This is all the right which they asserted and claimed.

In 1733, Oglethorpe, the founder of Georgia, made a treaty with the Lower Creeks, in which he obtained cessions of lands from them, and in which it is declared that though the lands belong to them, (the Indians,) they will permit the English to use and possess a part of them, and that the rest should remain to the Creeks forever.

In 1738, he made another treaty with the assembled States of all the Lower Creek nations, in which substantially the same provisions were inserted.

In 1763, another treaty was made with the Catawba, Cherokee, Choctaw, Chickasaw, and Creek nations, in which cessions of land were made; and in May, 1773, another treaty was made with the Cherokee and Creek nations: by which boundaries were established, and cessions made by the Indians.

In 1777, a treaty of peace was made between South Carolina and the Cherokees, to which Georgia was a party, in which the commissioners of both States and the Cherokees exchanged their respective full powers, in which a cession is made by the Cherokees of all the lands eastward of the Unacaye mountain, to the State of South Carolina, as having been acquired and possessed by that State by conquest; and in the eighth article, it is declared that the hatchet shall be forever buried, and there shall be a universal peace and friendship re-established between South Carolina, including the Catawba and Georgia on the one part, and the Cherokee nation on the other; there shall be a general oblivion of injuries; the contracting parties shall use their utmost endeavors to maintain the peace and friendship now re-established; and the Cherokees shall, at all times, apprehend and deliver to the commanding officer at Fort Rutledge, every person, white or red, who, in their nation or settlements, shall by any means endeavor to instigate a war by the Cherokee nation, or hostility or robbery by any other people, against or upon any of the American States, or subjects thereof. Can Georgia enter into a treaty with her own citizens? give peace to those who are not enemies, but traitors?

In 1783, another treaty was made between the State of Georgia and the Cherokee nation, by which peace was established, and a permanent boundary was established.

It is unnecessary to go further. The acts of Georgia furnish unequivocal evidence of her acquiescence in the doctrine that the Indian tribes within her territorial limits, of right, might maintain the unmolested occupation of their lands.

I will now advert to the acts and declarations of the confederated States, and it will be seen that they entirely coincided, on the subject of the Indian title, with the principles assumed and acted on by the Crown and the colonies.

In January, 1776, Congress resolved that no person shall be permitted to trade with the Indians, without license from one or more of the commissioners of each respective department.

In September, 1783, a proclamation was issued by the

United States in Congress assembled, prohibiting all persons from making any settlements on, or purchasing any lands inhabited or claimed by the Indians without the limits or jurisdiction of any particular State; and declaring all such purchases, without the express authority of Congress, void.

In October, 1783, Congress resolved that a convention be held with the Indians in the northern and middle departments, for the purposes of receiving them into the favor and protection of the United States, and for establishing boundary lines of property.

In March, 1785, Congress resolved that a commission be opened for treating with the Cherokees and all other Indians southward of them. And in June, 1786, Congress directed the commissioners who were to hold this treaty, for the purpose of obtaining from them a cession of lands, to make such cession as extensive and liberal as possible.

In August, 1786, Congress passed an ordinance for the regulation of Indian affairs, the preamble of which states that the safety and tranquillity of the frontiers of the United States depend, in some measure, on the maintaining a good correspondence between their citizens and the several nations of Indians. This ordinance regulates the intercourse with the tribes.

In November, 1785, the treaty of Hopewell was made. Its provisions need not be referred to.

It will be seen that all the acts of the continental Congress were predicated on the assumed basis that the Indian tribes had a just and legal right to the occupancy of their lands, indefinitely, and that the only subsisting right of the Government to them was what has been heretofore stated—the exclusive right of purchase, and ultimate, contingent right in fee.

But the proceedings of the Government, after the adoption of the constitution, if valid, put an end to every question regarding the title of the Indians. In the treaty of Holston, made with the Cherokees in 1791, the seventh article provides that the United States will solemnly guaranty to the Cherokees all their lands not thereby ceded. When this treaty was transmitted to the Senate, it was referred to a committee consisting of Mr. Hawkins, of North Carolina, Mr. Cabot, of Massachusetts, and Mr. Sherman, of Connecticut, who reported, among other things, that they had examined the treaty, and found it strictly conformable to the instructions given by the President of the United States, and that those instructions were founded on the advice and consent of the Senate, and that the Senate advise and consent to the ratification of the treaty. Various other treaties with the same and with other tribes contain a similar provision; and if these treaties have any binding force, it is needless to inquire what were the rights of the Indians before the conclusion and ratification of these treaties, or what were the rights of the Government. These solemn compacts contain a promise of security in possession of their lands, and give them a title, if they had not one before. How far it was competent for the United States to enter into these stipulations, I shall not, in this stage of the discussion, inquire. That I shall consider, when I refer to them, as conclusive to show that the States are excluded from making any legislative enactments to affect them.

I have now considered the nature and extent of the Indian title as recognised by the Crown, the colonies, the States, the continental Congress, and the United States, since the adoption of the constitution. On the subject of this title, it only remains for me to show, as I promised to do, that the title, as thus acknowledged, has received the sanction of the judicial department of this Government.

In *Fletcher vs. Peck*, (6 Cranch, pp. 142-3,) it is said: "The majority of the court is of opinion that the nature of the Indian title, which is certainly to be respected by all courts until it be legitimately extinguished, is not such as

to be absolutely repugnant to seizing in fee on the part of the State." Here is a complete recognition of a title. It is not absolutely repugnant to the idea that the State may be seized in fee, because the State has the ultimate dominion—the right expectant upon the determination of the estate in the Indians. So long as the Indians occupy, the right of the State is dormant: it cannot be exercised. It is only in the event that the occupancy ceases, or the right to occupy becomes extinct, that the ultimate right of the State can be enforced. Judge Johnson, in the same case, (pp. 146-7,) says, the Indians have the absolute proprietorship of the soil. The uniform practice of acknowledging their right of soil, by purchasing from them, and restraining all persons from encroaching upon their territory, makes it unnecessary to insist upon their right of soil.

But it was reserved to this court, at a later period, to give to this subject a great degree of attention, and to investigate, ascertain, and declare the nature and extent of the Indian title. This was done in 1823; and the case of *Johnson vs. McIntosh* (8 Wheaton) furnishes us with the result. In that case, the Chief Justice, delivering the opinion of the court, says: "The original inhabitants were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it, according to their own discretion. While the different nations of Europe respected the right of the natives as occupants, they asserted the ultimate dominion to be in themselves, and claimed and exercised, as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy. It has never been doubted that either the United States, or the several States, had a clear title to all the lands within the boundary lines described in the treaty, subject only to the Indian right of occupancy, and that the exclusive power to extinguish that right was vested in that Government, which might constitutionally exercise it. It has never been contended that the Indian title amounted to nothing. Their right of possession has never been questioned. The claim of Government extends to the complete ultimate title, charged with this right of possession, and to the exclusive power of acquiring that right."

After these adjudications, confirmatory of all previous practice, legislation, and treaties, and giving to that practice the solemn sanction of the united opinion of the bench of the Supreme Court, can it be doubted that the title of the Indian tribes to the lands they occupy is practically as complete, perfect, and absolute, as that of any citizen of this country to the farm on which he lives, and which has descended to him after having been in the occupation of father and son from generation to generation? Can the opinions and statements advanced in the report be sustained? "That the pretensions of the Indians to be the owners of any portion of the soil, were wholly disregarded by the Crown of England." "That where there was no reservation of any part of the soil to the natives, they were left to be disposed of as the proprietors thought proper." "That one of the expedients of the colony was" merely "to appear to do nothing which concerned the Indians, either in the appropriation of their hunting grounds, or controlling their conduct without their consent. That this was the general principle of action, and that in all the acts, first of the colonies, and afterwards by the States, the fundamental principle that the Indians had no rights, by virtue of their ancient possession, either of soil or sovereignty, has never been abandoned, either expressly or by implication." "That the Indian boundaries, defined by treaties, were merely temporary; that the practice of buying Indian titles is but the substitute which humanity and expediency have imposed, in place of the sword, in arriving at the actual enjoyment of property claimed by the right of discovery, and sanctioned by the natural superiority allow-

ed to the claims of civilized communities over those of savage tribes." "That the principle was adopted that they had no permanent interest in their hunting grounds." "That treaties were but a mode of government, and a substitute for ordinary legislation, which were from time to time dispensed with." "That the tribes were indulged in the 'partial' enjoyment of their ancient usages." "That the essential point in the policy of Georgia was, that the Indian reservations should be gradually contracted within such reasonable limits, that no part of the country should continue uncultivated. That her policy, in this respect, was a part of her rights, and that any thing which tended to defeat its operation was a deprivation of right." I will pursue these quotations no further. They are negated by history, by authenticated records, by universal usage, by legislative acts, and by judicial determinations.

Having thus disposed of the question, what is the nature and extent of the Indian title to the lands which they occupy, and having shown, I hope, that it is one which, for all practical purposes, is absolute, and limited only by the right of the General Government, of exclusive purchase, and of the reversionary interest in fee, I proceed to inquire into and answer the question, have the States in which these tribes reside the power to extend their legislative enactments over them, and thus to abolish among these tribes the power of self-government, and the laws, usages, and customs, by which their affairs from time immemorial have been regulated? If I do not very much mistake, an examination of this subject will result in an entire conviction that no such power has ever existed, or does now exist.

The advocates of this power insist upon the right claimed and possessed by the Crown to exercise it while the United States were colonies; that, by the declaration of independence, and the treaty of peace, this power, this right of sovereignty and legislation, was transferred to the States, as sovereign, independent communities; that it has never been surrendered by the States to the Federal Government, but is rather guaranteed and secured to them by the constitution under which that Government is founded.

I take the liberty to say that, in my opinion, but one of these propositions can be sustained; and even that is by no means free from doubt. I refer to that which assumes that the rights of sovereignty and legislation (whatever they were) became vested in the States individually, upon their becoming independent of the Crown. To say the least, it might be contended, with some plausibility, that these rights became vested in the confederated Union first, and afterwards in the Government formed under the constitution, rather than in the individual States. Hence the cautious remark of Chief Justice Marshall, (8 Wheaton, 585,) "It has never been doubted that either the United States, or the several States, had a clear title to all the lands within the boundary lines described in the treaty, subject only to the Indian right of occupancy, and that the exclusive power to extinguish that right was vested in that Government which might constitutionally exert it." Hence the conflicting claims of the United States and the individual States to unappropriated lands, which were finally adjusted by cessions from the latter to the former. But I do not propose to agitate or discuss that point. My attention will be directed to the other propositions necessary to be sustained by the advocates of the rights of the States.

If the Crown had a lawful right to exercise jurisdiction over the Indian tribes, without their consent, it must have been derived either from discovery or conquest.

As to the latter, (the right by conquest,) it is very obvious that it has no application to these tribes. There are two reasons which would seem to be conclusive on this subject. One is, that no conquest was ever made of them; but if there ever was a right by conquest, it is very clear that it was surrendered by the Crown in the treaties which

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were made with them. In these compacts the Indians were regarded as possessing the power to make them; they were treated as lawful and necessary parties to them; their claim to territory was acknowledged; boundaries were settled, and pledges given that no interruption, no interference with their respective territorial limits, as settled by these treaties, should be allowed. To assert an unlimited right of sovereignty and legislation in the Crown, by the force of conquest, is utterly inconsistent with the admitted necessity that the Indian tribes should conclude treaties with the Crown, with the circumstances under which they were made, and with their explicit provisions. Hence the Supreme Court say, after speaking of the wars between the whites and the Indians, that the law which regulates, and ought to regulate in general, the relations between the conqueror and the conquered, was inapplicable to these Indian tribes. The resort to some new and different rule, better adapted to the actual state of things, was unavoidable. The one adopted was, as the Indians receded, the lands which they thus left unoccupied were parcelled out and granted by the Crown; and as to those of which they retained possession, the Indians residing on them were to be considered as occupants, to be protected while in peace, but to be deemed incapable of transferring the absolute title to others.

As to the existence of this right, as emanating from discovery, it is contradicted by the best writers on international law, by the opinions of the most distinguished lawyers and statesmen of Great Britain and this country, and has been repudiated by the Supreme Court of the United States.

The rights acquired by discovery, on the part of the nation making it, are simply the exclusive right to make purchases of the native tribes; to make settlements, and occupy, in pursuance of purchases when made; and an ultimate right in fee, whenever the title of the Indians shall become extinct. And even these rights may be considered as peculiarly and solely confined to the relations subsisting between this country and the aboriginal inhabitants, and do not exist, and are not applicable to the case of any other community of native tribes. What is called the sovereign power of the nation discovering the country, consists in the particulars above mentioned. This attribute of sovereignty, the sole right of purchase and the ultimate ownership in fee, grows out of the fact of discovery; and so far as it exists, it takes so much from the sovereignty and independence of the Indian tribes. But the power to legislate—to extend its laws over the territory discovered—is confined to its subjects when they make purchases and settlements, and grows out of the obvious principle that these subjects, purchasing, as they must, with the consent of their own sovereign, when they remove and occupy the lands purchased, carry with them the laws under which they previously lived, and, in return for the protection which they receive, as continuing subjects of their sovereign, become amenable and subject to such legislative enactments as it may be deemed useful and expedient to make. The right to purchase is derived from the Crown; the right to occupy, from the purchase; and the subjection to the legislation of the Crown, from the union of these rights, connected with their national character, and the protection which their nation is bound to afford them. This power to legislate is a branch of the same power, which can lawfully make any municipal regulation a power over its own subjects, settled on territory purchased with their consent, and in regard to which it had the exclusive right of purchase.

Let me solicit the attention of the committee to the support which these positions derive from judges, lawyers, and statesmen.

In 1757, Lord Camden and Mr. Yorke, the King's attorney and solicitor general, officially advised the Crown that the grants to the East India Company were subject

only to the King's right of sovereignty over the settlements, as English settlements, and over the inhabitants, as English subjects, who carry with them the King's laws wherever they form colonies, and receive his protection, by virtue of his royal charters. Here the true principle of the right to legislate is clearly stated. It is derived from the fact that the purchasers are English purchasers; that the settlements consequent on the purchase are English settlements, who form colonies, carry with them English laws, and receive protection by virtue of the patent from the Crown; and this part of the opinion seems to have met with the approbation of the Supreme Court.

In 1755, Counsellor Dagge, Sergeant Glyn, Dr. Franklin, and Patrick Henry, gave written opinions in support of the same principles. The lands conveyed by the Indian tribes were taken by the grantees, and held, subject only to the King's sovereignty over the settlements to be established thereon, and over the inhabitants as English subjects. The transfer of the sovereignty to the Crown of England was made by the same instrument whereby the land was conveyed, and was effectual to pass it, and the title is under the protection of the laws of England.

But it is not necessary to refer to English lawyers, or to times as remote as those just mentioned. The Supreme Court of the United States, whose decisions we ought to regard as sound expositions of the law, have told us, in language not to be misunderstood, what rights were acquired to this country by the discovery of it.

In the case of *Johnson vs. M'Intosh*, the court say, the principle adopted by the great nations of Europe, on the discovery of this continent, by which they should be mutually regulated, was that discovery gave title to the Government by whose subjects or by whose authority it was made, against all other European Governments, which title might be consummated by possession. As a consequence, the nation acquiring the discovery obtained the right of acquiring the soil from the natives, and establishing settlements upon it.

The rights of the original inhabitants to complete sovereignty, as independent nations, were necessarily diminished. And why? Because it interfered with the fundamental principle, that discovery gave exclusive title, ultimate dominion, subject to the Indian right of occupancy, to those who made the discovery.

The court say, the United States maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest, and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise; or, as it is called, a limited sovereignty over them. This sovereignty is not called absolute—unlimited—but a kind or degree of sovereignty, limited and confined, and when taken, as it should be, *secundum subjectam materiam*, means nothing more than it existed so far and to such an extent as was necessary to preserve inviolate the exclusive right of purchase; or perhaps, as was said by Judge Johnson, (6 Cranch, p. 147,) the only limitation of the sovereignty of the Indians was the right in the States of governing every person within their limits, except themselves. It may further be observed, that in no instance did the Crown ever claim the right to legislate for the Indian tribes, except with their consent, and for their protection, against the encroachments of the whites.

I have thus endeavored to show that the Crown of England neither possessed nor claimed the right, as derived from discovery, conquest, or otherwise, to extend its laws over the Indian tribes. They were considered as distinct nations or communities, sovereign and independent, excepting that the right to alienate at pleasure their lands was denied to them, possessing and actually exercising the powers of Government, through the medium of their own laws, usages, and customs: if this be so, then,

by the declaration of independence and the treaty of peace, Georgia acquired no right to legislate over them, for the Crown did not possess it; and as was well observed by the Supreme Court, "Neither the declaration of independence, nor the treaty confirming it, could give the United States more than that which they before possessed, or to which Great Britain was before entitled."

Should it, however, be admitted that the view thus far taken of this subject is incorrect: that the Crown, while the States were colonies, possessed and exercised the unlimited right of sovereignty and legislation, and that the States succeeded to this right after the declaration of independence, I will ask the committee to follow me in an examination of this subject, under the constitution, and will endeavor to show that if the States had the power of legislation at any time, it was surrendered at the adoption of that constitution, and that that instrument contains a virtual prohibition to the States to extend their legislative enactments over the Indian tribes within their limits.

It should be premised that the right to legislate over these tribes, if it exist, is in its nature indefinite and unlimited; for, as it has its foundation in the sovereign power of the State, that sovereign power extends to the enactment of all laws to affect the Indian tribes, which could lawfully be made to operate upon its white citizens. And this seems to be the doctrine assumed in the report. The right to legislate is spoken of as growing out of the absolute sovereignty of the States within their territorial limits, and can of course have no limitation in respect to Indians, which it has not in regard to its white population. It must, therefore, be admitted, that if a State can legislate so as to affect the Indians at all, it can do so to the same extent as over its own citizens.

This unlimited power of legislation cannot exist, without annihilating the Indian title to their lands. I have heretofore attempted to show what was the nature and extent of that title; a right to use and occupy forever; not to be defeated by legislation, but by cession or conquest only; and that this title was not acquired by permission, by treaty, by reservations, but by the original right of occupancy. What becomes of the enjoyment of this right, if a State can lawfully do as Georgia, Mississippi, and Alabama have done—pass laws, abolishing and declaring null and void all laws, ordinances, orders, regulations, usages, and customs of the Indian tribes within their limits? Cannot these States alter the mode of descent, the regulations of alienation, the rights of possession, as known and practised by the Indians? Cannot they impose taxes, and subject their lands to the payment of them? Cannot they make legislative enactments, the necessary and inevitable effect of which will be to drive them from the occupation of their territory? Did not the Secretary of War foresee this consequence, when he stated to the Cherokee delegation, that, in consequence of the power of Georgia to extend her legislative enactments over this nation, the only remedy for the nation was a removal beyond the Mississippi, where alone could be assured to it protection and peace; that while the tribes continue within the territorial limits of an independent State, they could promise themselves nothing but interruption and disquietude; that, beyond the Mississippi, there would be no conflicting interests; there the United States could say to them, the soil shall be yours, while the trees grow, or the streams run; but, situated where they now are, no such language could be held to them? What is the meaning of all this, but that, being subjected to the legislation of Georgia, the occupancy of their territory would be disturbed; and that the consequence of their residing within the limits of a sovereign State would eventually be extermination? Let me read to the committee an extract from the speech of a distinguished Senator from Mississippi, lately deceased, [Mr. REED,] which I shall have occasion to use for another purpose hereafter, in the Senate of the

United States, in 1826: "He was entirely persuaded that so long as the tribes of Indians within any State of the Union were exempted from the operations of State laws, they never would consent to remove from the territory they occupy: until our legislation can in some form or other be brought to act on these people, or those resident among them, they will never consent to abandon their lands. So soon as our laws can reach those abandoned citizens, who settle among them, and become as savage as the Indians themselves, a powerful motive for their continuance will be removed. It is a first step in a system of removal; it is the first step in any system tending to a change of residence."

If one of the principles advanced in the report be correct, and the Indian title to their lands be what I have stated it to be, it wholly excludes State legislation. The committee say, speaking of the law of the State of New York: "It was not understood as introducing any new principle. It recognised the general principle, that territory and jurisdiction, considered in reference to a State or nation, are inseparable; that one is a necessary incident to the other; and that, as a State cannot exist without territory, the limits of that territory are, at the same time, the limits of its jurisdiction." Here the fundamental principle is asserted, that soil and jurisdiction are inseparable from each other. That the right to the soil, in a State, *ex vi termini*, includes a right of sovereignty or jurisdiction over it. Let an application be made of this doctrine to the Indian title. It has been shown that the title to the territory which they occupy, as against the State of Georgia, is practically an absolute title, and by the United States it has been solemnly guaranteed to them. If so, then the attribute of sovereignty, said to be necessarily incident to the right of soil, attaches to it; for it can hardly be claimed, that what is a correct rule as applied to civilized nations, ought not to be applied to the Indian tribes. It would seem, therefore, to be a necessary consequence, from the positions taken in the report, that the Indians possess the right of sovereignty over their lands, if they are the owners of the lands; and I have endeavored to show, in a former part of this discussion, that they are the owners of the soil, for every practical purpose for which absolute ownership may be used.

Another objection to the right of legislation by the States, is derived from its non-user, (if the expression may be allowed,) by Georgia, at all times. It is now more than fifty years since the declaration of independence, and more than forty since the adoption of the constitution; and until within a little more than a year, no such right was ever claimed. Whence this silence? Whence this acquiescence in the legislation of the Federal Government? Whence these repeated and reiterated demands upon the Government to extinguish the Indian title? Does the doctrine so lately advanced, of State sovereignty, comport with the language of the report, that "it is understood Georgia will not attempt to appropriate the lands within the Indian reservations, without their consent?" Does it not look to the operation of State laws as a sure and speedy mode of extinguishing actual occupancy, if not of title? Has it not this for its object? For what other purpose can the State desire to legislate over them? Not to draw revenue from them; not to subject them to the performance of civil or military duties; not to make them citizens, and amalgamate them with their white population. The State can have no such objects in view. Can any other motive be assigned, than indirectly to force them to remove, by bringing the action of legislation to bear upon them? If such be the object, if the power existed, why was it never before claimed or exercised? Why was the Federal Government to extinguish the title, to purchase the right of occupancy? Can this long acquiescence, on the part of Georgia, in the exercise of self-government by the Cherokees, be accounted for in any other way

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than by its full belief that the right so to exercise it belonged to that tribe?

If the power of legislation exists, how are these Indians to be regarded as citizens, aliens, or denizens? Not as citizens, it would seem, for the law already passed nearly outlaws them. It does not indeed declare them incompetent to sue as plaintiffs in their courts; but it has all the practical consequences of outlawry; for they are deprived of the benefit of the only testimony which would generally exist, to sustain their legal rights. Not only no Indian can testify for another, where a white man not residing in the nation is the adverse party; but no descendant of one, however remote, is a competent witness. The rights of personal security, personal liberty, and private property, so far as it regards the Indians, are by this law practically annihilated; it is clear they are not aliens, residing within the jurisdiction of the States; for if so, whose subjects are they? They are not denizens; for a State cannot make them such. They have not been made citizens by naturalization; for a State cannot make them such, in that manner. If, then, they are subject to the municipal regulations of the State, it is because they are, and from the period of the declaration of independence have been, citizens of the State. If citizens, they may be prosecuted for all offences for which the whites may be prosecuted—bigamy, treason, &c. &c. If citizens, they are to be enumerated in the census, and to form a part of the basis of representation if taxed. Now, did the framers of the constitution ever suppose that, by exercising the power of taxation, the whole of the Indian tribes within the limits of the States could be represented on the floor of Congress? Would Georgia have a right to send one of the chiefs or headmen of these tribes as a Representative or Senator to the National Legislature? The old Congress did not think so, when it was provided in the treaty of Hopewell that the Indians should have the right to send a deputy of their choice, whenever they should think fit, to Congress; they never were, at any time, considered subjects of Georgia; but if they are now, they always have been, since July 4, 1776; and a new basis of representation is to be made after the year 1831, for the States within whose limits Indian tribes reside. The law of Mississippi, if a valid one, has completely effected this object; for while it abolishes the laws and usages of the Indians, it confers on them the rights of citizens, and subjects them to the operation of all the laws, statutes, and ordinances of the State; and the twenty-third Congress will perhaps have one additional representative from Mississippi, by force of this legislative enactment.

The power to extend the municipal regulations of the State of Georgia over the Indians, if it ever existed, is taken away by the constitution, and cannot now, consistently with the provisions of that instrument, be exercised.

I suppose it will be admitted that the State, by adopting the constitution, is bound in good faith by its provisions, and cannot claim to exercise any rights which by that instrument are conferred exclusively on the General Government, or prohibited to the State. A denial of this principle would, of course, be a denial of any paramount authority of the constitution, and reduce the Government to what it was under the articles of confederation.

By the constitution, Congress have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Whatever the extent of this power may be, so far as it exists and may be lawfully exercised, it is exclusive. It must necessarily be so; for if it exist both in the States and in the Federal Government, it becomes nugatory in the hands of either. The regulations of the State and of Congress might conflict with each other; and which is to yield? Neither, if the power may be exercised by both. This point has, however, been settled by the Supreme Court. That tri-

bunal has decided that the power given to Congress, under this clause of the constitution, is exclusive, and amounts to a prohibition to the States to exercise it.

I shall not stop to comment upon the suggestion, that it is not said Congress shall have power to regulate commerce with the Indian tribes within the States; for the expression is general: it is made to extend to all Indian tribes, and must include those within as well as those without the territorial limits of a State. But there were no Indians in the United States who were not, at the time of the adoption of the constitution, within the territorial limits of some State. Such has uniformly been the construction of this clause of the constitution, and it has received the sanction of the Supreme Court.

This power, in my opinion, forbids all control over the Indian tribes within the limits of Georgia, through the medium of her laws. It was, I think, so intended, and must of necessity be so.

By the articles of confederation, it is provided that "the United States in Congress assembled shall have the sole and exclusive right of regulating the trade and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated;" and in the ordinance of 1786, this legislative right was expressly adverted to and recognised. When the constitution was framed, this proviso was purposely omitted. It does not appear in that instrument; and it is to be recollected that some of the distinguished men who signed the articles of confederation, also affixed their signatures to the constitution, and were members of that Congress which enacted the first intercourse law after its adoption, July 22d, 1790; continued by acts of March 1st, 1793; May 19th, 1796; March 3d, 1799, and made perpetual by act of March 30th, 1802. In the fifth section of the act of 1790, a provision is made, which evinces most clearly that the Indians were not considered as within the jurisdiction of any State, for it provides for the punishment of citizens or inhabitants of the United States who commit crimes in the Indian territories, in the same manner as if the offence had been committed within the jurisdiction of the State of which they were inhabitants or citizens. The same provision is to be found in the fourth section of the act of March, 1793. And in the first act, sales to States are declared void, though they have the pre-emptive right, unless at a public treaty held under the authority of the United States.

It would seem, from these facts, no other inference could be drawn than that the framers of the constitution supposed they had effectually excluded State legislation over the Indian tribes; else, why omit in the constitution what was inserted in the articles of confederation less than ten years preceding, and which must have been known, understood, and well considered by the convention in 1787, the reservation of the legislation of the States? And why, in the first law which was made, in execution of the power given to Congress, was it necessary to provide for the punishment of crimes committed on lands belonging to the Indians, declared to be out of the jurisdiction of the States, if they possessed jurisdiction? *Contemporanea expositio* is generally a safe rule, both in the construction of constitutional and statute law, and, if it be applied here, establishes the principle that the States had no power of legislation over the Indian tribes within their limits.

But let it be examined in another point of view. The proviso before referred to, in the articles of confederation, may have been inserted, *ex abundanti cautela*, to prevent any inference that the rights of the State to legislate on other subjects than the intercourse with and the affairs of the Indians were abridged or taken away: for it would have been absurd to have granted to Congress the sole and exclusive power of regulating the trade and managing all affairs with the Indians not members of a State, and then

to have added a proviso which would have effectually prevented them from the exercise of the power. In this view, the treaty of Holston of 1785 is binding under the clause of the constitution which provides that "all debts, contracts, and engagements, entered into before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation." But the power to regulate commerce with the Indian tribes not only was intended and believed to have excluded State jurisdiction over them, but such is the necessary consequence of the grant of the power. It has been before stated to be exclusive, and of consequence it denies to the States the exercise of jurisdiction in the regulation of commerce with the tribes. But a want of power to regulate commerce or intercourse with them, is a want of power to affect them, in any manner, by legislative enactment. The very circumstance that intercourse may, and must be had with them in some form, is conclusive that they are considered and to be treated as a community distinct from our own citizens. Now, how can a State legislate over a body of men with whom they are prohibited from having any intercourse, except under regulations prescribed by Congress? There is no subject, there is neither territory nor person, on which legislation can act. If Georgia can of right pass a law which operates upon the tribes, she can enforce it; for it is idle to talk of the right to extend its laws to them, if there is no constitutional power to carry them into effect. A right to make and to enforce a law must coexist in the same body: they cannot be separated. Can a law be executed in a territory where an entry on it cannot be made, without the assent of a power distinct from that which enacts the law? Let this question be answered by a reference to the law of Georgia, approved by the Governor, December 19, 1829.

The sixth section extends the civil and criminal laws of that State over the Cherokees, and subjects them to the legal process of their courts. The seventh section abolishes all their laws, ordinances, orders, and regulations. Suppose the Cherokees refuse a compliance with these statute provisions; how is the State to enforce them? If process is issued, can the ministerial officer go into their territory to serve it? What says the intercourse law of March, 1802, section 3? "If any citizen of a State or Territory, or other person, shall go into any country which is allotted or secured by treaty to any of the Indian tribes south of the river Ohio, without a passport," obtained in the manner specified in the act, "he shall forfeit a sum not exceeding fifty dollars, or be imprisoned not exceeding three months." Would the process of the State of Georgia, alone, be a protection to an officer who should go among the Cherokees to execute it? Would it save him from the penalties of this section of the intercourse law? Would it be "a good plea in bar" to an action of debt to recover the penalty, or to an indictment for the offence? Suppose the laws of Georgia to authorize the assessment of a tax upon the Cherokees, could the tax-gatherer go into their nation and take their property to satisfy it? Look at the fourth section of the act of 1802. "If any citizen, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall" be subject to a pecuniary forfeiture and imprisonment, and, "where property is taken, shall pay for it twice its just value." Would the law of Georgia save him from these penalties and forfeitures? Would it be an available defence, in suits brought to recover and enforce them? The twelfth section of the law of Georgia makes it murder to take the life of an Indian residing within the chartered limits of Georgia, for enlisting as an emigrant, &c., contrary to the laws and customs of the Cherokee nation. Should there be a violation of this section, and its penalty be exacted, which is death by hanging, what would be the consequence? Turn again to the intercourse act,

section 6: "If any citizen or other person shall go into any town, settlement, &c., belonging to any nation or tribe of Indians, and shall there commit murder, by killing any Indian, &c., he shall suffer death." Would the warrant of execution, issued under the law of Georgia, be a justification? Would this be an "available plea in bar?" It seems to me very clear that a State law operating upon the Indian tribes is a mere *brutum fulmen*. It cannot be enforced without entering upon their territory, and that is prohibited.

Is this intercourse law one made in pursuance of the constitution? If it is, it is the supreme law of the land. Let me then inquire, what is the meaning of the expression, "commerce with the Indian tribes?" The Supreme Court have given an explanation of this phrase. They say, "commerce undoubtedly is traffic, but it is something more; it is intercourse." As used in the constitution, "it is a unit, every part of which is indicated by the term: it cannot stop at the external boundary line of each State, but may be introduced into the interior. In the regulation of trade with the Indian tribes, the action of the law, especially when the constitution was made, was chiefly within a State. The power of Congress, then, whatever it may be, must be exercised within the territorial jurisdiction of the several States." What is this power? "It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. It is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the constitution. It is vested in Congress as absolutely as it would be in a single Government, having in its constitution the same restrictions on the exercise of the power, as are found in the constitution of the United States. As it implies, in its nature, full power over the thing to be regulated, it excludes, necessarily, the action of all others that would perform the same operation on the same thing." The power, then, given to Congress, is to prescribe the rule by which intercourse with the Indian tribes shall be governed, and excludes the action of all others. Now, can a State legislate over a territory or a people, where both these subjects of legislation are within the exclusive control of Congress, so far as the constitution and treaties have given this control? What kind of legislation is that which is made to operate upon a community with whom the law makers are not even permitted to have any intercourse? It seems as though it were impossible successfully to contend that tribes of Indians could be brought under State laws, when they are without the reach even of ordinary commerce with the States.

But another view may be taken of this part of the subject. The right to regulate the intercourse with the Indian tribes includes a right to prohibit it altogether, or to place it under certain modifications, as the intercourse law of 1802 does. Now, Congress have exercised the power to prohibit commerce or intercourse with foreign nations; they did this when the embargo and non-intercourse laws were passed, and we have at present a non-intercourse law as it regards some of the West India islands. These laws have been adjudged valid by the highest judicial tribunal of the country. Now, if, under the clause which gives to Congress the right to regulate commerce with foreign nations, all intercourse may be prohibited, surely the same thing may be done, as it relates to the commerce with the Indian tribes. And a power to prohibit all intercourse is, *ex vi termini*, a power which excludes State legislation; for a State law cannot be executed, where there is no lawful right to enter into the Indian territory to enforce it.

But let us examine this clause a little further. It is very obvious that the framers of the constitution supposed that the Indian tribes were a community distinct from the ordinary citizens of a State. They provided for the regulation of commerce with foreign nations, between the

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States, and with the Indian tribes, that is, with a people not foreigners, not members of the Union, but distinct from them, called tribes. They did not profess to regulate intercourse between citizens of the same State. If, however, the States, by virtue of their sovereignty, can legislate over the Indians, it is because they are members of their community, citizens, persons living within their jurisdiction; and thus the power given to Congress to regulate trade with them is annihilated. They are no longer tribes; they lose that distinctive character and appellation, when they are claimed to be members of the State; and thus this clause in the constitution is a dead letter, it means nothing.

One observation further on this part of the subject. The consent given by the States, in the constitution, that Congress shall have the exclusive power of regulating the trade with the Indians, is a virtual admission that they are not citizens or inhabitants of the States. They are not only called tribes, but are treated as distinct communities, not incorporated with the States; not a part of their population. Can the United States regulate trade and intercourse with the citizens of a county or town in any State? Can they make laws to govern a portion of the inhabitants of a State? They certainly can do it, if the Indian tribes are citizens of the States within whose limits they reside. It cannot, however, be seriously contended that the constitution has vested in Congress any such power as that which would of necessity result if the Indians are citizens of the States.

By the constitution, "power" is given to the President, "by and with the advice and consent of the Senate, to make treaties." This power is also exclusive, and, whenever lawfully exercised, supersedes all State legislation inconsistent with it; for by the same constitution it is provided "that all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding."

In pursuance of the power thus given, what at least are called treaties, have been made with the Southern Indians. I shall endeavor to show that these treaties, or by whatever name they may be called, contain provisions which exclude all legislation over them by the States within whose chartered limits they are located; and that these treaties are "the supreme law of the land."

The treaties with the Cherokees are those to which I shall refer, for it is from them we have had memorials soliciting protection from the legislation of Georgia, and those made with other tribes contain similar provisions.

That these treaties, in terms, and in the fullest and most solemn manner, guaranty to them forever all their lands not ceded, is admitted. Any legislation, either of the United States or the States, which would deprive them of their possessions, would, of course, be an infraction of these compacts. No such legislation, (if the treaties are valid,) which would produce this effect, directly or indirectly, can be admitted. These propositions need no illustration or argument to support them.

But not only is this species of legislation prohibited, but legislation in every form, and for any purpose, by the States, is equally prohibited.

The treaty of Holston, July 2, 1791, was the first one made with the Cherokees, after the adoption of the constitution; and the subsequent treaties are considered and declared to be additional to, and forming a part of, this treaty. Let me now ask the attention of the committee to several clauses in this treaty.

The Cherokees are placed under the protection of the United States, and of no other sovereign whatever; they stipulate not to hold any treaty with any individual State. The United States are vested with the sole and exclusive right of regulating their trade; they may punish at their

pleasure any citizen of the United States who settles on their lands; all persons are prohibited from going on to their lands without a passport; they shall deliver up offenders guilty of certain specified crimes against the citizens of the United States, to be punished according to the laws of the latter; and offenders against them shall be punished as though the crimes had been committed within the territory and jurisdiction of the United States. And by the fifth article of the treaty of Hopewell, which, in 1790, General Washington declared was in full force, and the provisions of which he felt bound to carry into faithful execution, the Indians are admitted to have the power to punish, at their discretion, and in such manner as they please, those settlers upon their lands, who will not remove within six months after the ratification of the treaty.

In the face of these treaty provisions and recognitions, can the States legislate over them? Can they exercise an authority over them, even for protection, when that power is confided to the United States? And what does protection imply? Merely security in the enjoyment of their lands? This term is general, and applies to all their then existing usages and customs. It is to be a protection against all who attempt to intermeddle with them; they have abjured the protection of all sovereignties but the United States; to them is confided the right to regulate the trade with them; to them, offenders are to be given up; by them, offenders are to be punished. And the United States bind themselves to observe all these stipulations. How is it possible that a State can enact a law which shall operate, in a territory guarantied exclusively to the Indians, and over a community whose relations are declared to exist only with the United States, and whose local jurisdiction is admitted by these provisions to be exclusive of the Federal Government? And now, in what light are these treaties to be considered with reference to the character of one of the contracting parties? Do they, or do they not, imply and admit the Indian tribes to be independent of, and not subject to, the control of the States? and do they possess any binding force?

Let us attend to the language of General Washington on this subject. On the 22d of August, 1789, he came into the Senate chamber, and asked the advice of the Senate, among other things, on these two points: "Shall a solemn guaranty" be given "by the United States to the Creeks of their remaining territory, and to maintain the same, if necessary, by a line of military posts?" "If all offers should fail to induce the Creeks to make the desired cession to Georgia, shall the commissioners make it an ultimatum?" To the first question, the Senate answered in the affirmative; to the second, in the negative. On the 17th of September, 1789, General Washington sent a message to the Senate, in which he states that "it is important that all treaties and compacts formed by the United States with other nations, whether civilized or not, should be made with caution and executed with fidelity." After speaking of the practice of the United States with European nations, not to consider any treaty as conclusive until ratified, and suggesting that the same course would be advisable in relation to treaties made with the Indians, he asks of the Senate their opinion and advice, whether certain Indian treaties were to be considered as perfected and ratified, and consequently as obligatory without being ratified; and if not, whether these treaties ought to be ratified. The Senate answer by adopting the following resolution: "Resolved, That the Senate do advise and consent that the President of the United States ratify the treaty." Can any language be more expressive of the opinion of the President and of the Senate that these treaties were of the character contemplated by the constitution requiring ratification, as made with a nation having the power to enter into them, and therefore as independent, having the power of self-government? And it is to be observed that the practice, in regard to these

Indian treaties, has been uniformly the same from that time to the present.

On the 11th August, 1790, General Washington sent a message to the Senate, in which he asks the advice of the Senate, whether "overtures shall be made to the Cherokees to arrange a new boundary, so as to embrace the settlements made by the white people since the treaty of Hopewell;" and whether the United States should "stipulate solemnly to guaranty the new boundary which may be arranged." The Senate gave their advice, by answering both these questions in the affirmative. It is to be observed, also, that, in this message, General Washington explicitly states that he shall consider himself bound to exert the powers entrusted to him by the constitution, in order to carry into faithful execution the treaty of Hopewell.

Let me now turn the attention of the committee to the opinions entertained by the distinguished men who negotiated the treaty of Ghent, speaking in the name of the Government, and whose attention was particularly called to the subject by the British negotiators; and let it be remembered that some of them, at least, were advocates of the rights of the States, and of what has been called, in modern times, a strict construction of the powers of the General Government. These opinions unequivocally support the Indian tribes in their right to be governed by their own laws and usages. In their note to the British commissioners, dated September 9th, 1814, they use the following language: "A celebrated writer on the laws of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating in the most explicit manner the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indians, has taken occasion to praise the first settlers of New England, and the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example which the United States, since they became, by their independence, the sovereigns of the territory, have adopted and organized into a political system. Under that system, the Indians residing within the United States are so far independent, that they live under their own customs, and not under the laws of the United States; that their rights to the lands where they inherit or hunt, are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever these boundaries are varied, it is also by amicable and voluntary treaties. They are so far dependent as not to have the right to dispose of their lands to any private persons, nor to any Power other than the United States, and to be under their protection alone, and not under that of any other Power. Whether called subjects, or by whatever name designated, such is the relation between them and the United States. These principles have been uniformly recognised by the Indians themselves in all the treaties between them and the United States."

I now invite the attention of the committee to the Cherokee treaty of July 8th, 1817, which was negotiated by the present Chief Magistrate of this nation, as one of the commissioners. And it is worthy of particular notice, that it was under the faith of this treaty, and one of the objects for which it was made, to enable the Cherokees to establish a Government of their own, and adopt laws more in unison with republican principles than their former usages, and which laws and Government the State of Georgia claims a right to abolish.

The preamble recites that the upper Cherokee towns are desirous of contracting their society within narrow limits, that they may begin the establishment of fixed laws and a regular Government; and for this purpose request a divisional line to be established between them and the lower towns; and to carry into effect the before re-

cited promises with good faith, the Cherokees make a cession of part of their lands to the United States. It is very obvious that the only object of this treaty, and the cession made under it, was to enable the Cherokees who remained east of the Mississippi to institute a Government and enact laws suited to their then condition. This object was well understood by the commissioners who negotiated, and by the President and Senate who ratified, this treaty. As an inducement to effect this object, to them so desirable, they made large grants of their territory. They proceeded to establish their Government and laws, to "engage in the pursuits of agriculture and civilized life," upon the faith of this treaty; and eleven years afterwards, they are informed by the President, who negotiated the treaty, and speaking in behalf of the Government which ratified it, that they cannot be protected in the enjoyment of that Government and those laws, but that the State of Georgia may lawfully abrogate both. Was this the view taken of their rights by the commissioners, and by the President and Senate in 1817? Was it not conceded by them all, that the Cherokees had the right to institute a form of Government and make laws for themselves, and that they should not be molested, but protected in the exercise of that right?

In July, 1787, Congress passed an ordinance for the government of the territory northwest of the river Ohio, the fourth article of which provides that "the utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them."

In the cession by Georgia, in 1802, it is provided that when the territory ceded by her shall be formed into a State, it shall be admitted as such into the Union, on the conditions and with the restrictions contained in the foregoing ordinance, except the article which forbids slavery.

In 1817, Congress authorized the inhabitants of the western part of the Territory of Mississippi to form a State Government, preparatory to her admission into the Union, with a proviso that the constitution and Government by them formed should not be repugnant to the before mentioned ordinance, and the provisions of the deed of cession by Georgia.

In the same year, Mississippi, having formed a constitution and State Government, declared by Congress to be in conformity to the principles of the foregoing ordinance, was admitted into the Union.

In 1819, Alabama was admitted on the same principles. From these acts two very obvious inferences are to be drawn. The one is, that, in 1802, Georgia considered the ordinance of 1787, which secured the property, the rights, and the liberty of the Indians, as not only just and proper, but as one which the continental Congress might lawfully make. The other is, that the States of Alabama and Mississippi are precluded by the acts authorizing them to form a Government, and admitting them into the Union, to enact laws which shall infringe upon the rights of the Indians.

In the Senate of the United States, in 1826, in the discussion of a bill making an appropriation for the repair of a post road in the State of Mississippi, in answer to an objection that the State ought to construct and repair its own roads, Mr. KING, of Alabama, said, "the road runs through the Indian country, over which the State of Mississippi had no control."

Mr. JOHNSON, of Kentucky, said, this "was a road opened by the United States, according to a treaty stipulation with the United States."

Mr. ELLIS, of Mississippi, said, "the road did not pass

MAY 18, 1830.]

Removal of the Indians.

[H. OF R.]

through one-seventh part of that State, and it was impossible for the State Government of Mississippi to have any authority over those lands, till the title to them was extinguished."

Mr. EATON, of Tennessee, the present Secretary of War, said, a treaty had been entered into between the United States and the Choctaw Indians. The question of State rights had not then arisen, and the Government of this country was in the hands of Mr. Jefferson. Under such an administration no attempt would have been made to enter into a treaty with a distinct sovereignty, that went to invade the principles of the constitution. "Ever since this Government had existed," Mr. Eaton said, "they had proceeded on the principle that the Indians are a distinct sovereignty; it was an anomaly that one sovereignty should exist within the orbit of another; but they always had proceeded on this principle, and if they had any right to interfere with them, why did they proceed with them in the character of sovereignties?" Mr. Eaton contended that, "by the provisions of this treaty, there was no cession of property on the part of these Indians: there was not even a cession of sovereignty. They, in their sovereign capacity as Indians, yielded their consent to the United States to open a road. The United States could not give the State of Mississippi any sovereignty over it."

Mr. BENNETT, of Georgia, now Attorney General of the United States, said, "the moderate reflection he had been able to bestow on this subject had reconciled his mind to the admission of the principle that the effect of this treaty was certainly of limited extent. This treaty was concluded before the admission of the State of Mississippi into the Union, and the parties to that treaty, being considered as distinct sovereignties, might have imposed on the United States certain obligations; from which obligations they could not disengage themselves by any new compacts entered into with the people of Mississippi on their admission into the Union."

Mr. WHITE, at present a Senator from Tennessee, and chairman of the Committee on Indian Affairs, in a written opinion given in 1824, says: "These people (the Cherokees) are now to be viewed as a nation possessing all the powers of other independent nations, which are not expressly, or by necessary implication, surrendered up by this treaty, (the treaty of Holston.) I have believed, and still do, that, under the treaties, the Cherokees must be considered a nation, possessing like powers with other nations, except so far as they have surrendered their independence to the United States."

Are these treaties, thus explained, binding? If they recognise and declare the Indian tribes with whom they are made, so far independent as to possess the right of governing themselves by their own municipal regulations, as not to be subject to the legislation of the States, and to have the sole right of occupancy forever to the lands described in the boundaries specified, are the treaties the supreme law of the land? Had the Government of the United States the power to enter into and to ratify them?

It would seem to be somewhat novel that a necessity is supposed to exist to prove that the treaties made with the Indian tribes are valid: but this necessity is imposed, from the repeated declarations, made hypothetically indeed, upon the supposition that they conflict with the supposed and asserted rights of State sovereignty, that they were not lawfully entered into; that no power is given by the constitution to make these treaties; and, therefore, that they are void. Let me ask the attention of the committee to the proofs that they are compacts, which, if not fulfilled by us, will subject us to the imputation of violating our national faith; that they were, what they profess to be, made with full authority, and are now the supreme law.

These treaties have received the sanction of every department of the Government, and by each been considered as binding on the contracting parties.

By the Executive. This is necessarily implied in making and ratifying them: for it is not to be presumed that the President would make, and that the Senate would advise and consent to a treaty, which they did not believe was binding on either of the parties to it. But we are not left to mere deductions or inferences from the exercise of the treaty-making power. The records of our Government furnish us with ample evidence of the opinions entertained of their validity by all the illustrious men who have successively held the high office of President of the United States.

General Washington, in a communication to the Senate in 1790, says: "The treaties which have been entered into with the other tribes in that quarter, must be faithfully performed on our parts: I shall conceive myself bound to exert the powers entrusted to me by the constitution, in order to carry into faithful execution the treaty of Hopewell." "The letters to the chiefs of the Creeks are also laid before you, to evince that the requisite steps have been taken to produce a full compliance with the treaty made with that nation on the 7th of August, 1790. The Senate advised and consented that the President should cause the treaty concluded at Hopewell to be carried into execution according to the terms thereof." "It is of some importance that the chiefs should be well satisfied of the entire good faith and liberality of the United States."

Similar opinions were expressed by all the persons holding the office of President. I will detain the committee, by referring to those of Mr. Jefferson only.

"The Government is determined to exert all its energy for the patronage and protection of the rights of the Indians. Until they cede their lands by treaty, or other transaction equivalent to a treaty, no act of a State can give a right to such lands."

The validity of these treaties has been fully recognised by the legislative department of the Government. It has passed, from time to time, laws regulating the intercourse with them; laws making appropriations of large sums of money to carry these treaties into effect: and the bill now under consideration proceeds upon the admitted principle that the Indian tribes have, by treaties, rights to lands which are to be extinguished, improvements which are to be purchased and paid for; and appropriates money for these objects.

The judicial department, in the cases before referred to, has made a full recognition of the validity of these treaties. It speaks of them as subsisting; as containing provisions binding on the parties to them, and which, like all other similar compacts within dependent Powers, are to be faithfully observed.

I have, for another purpose, adverted to the opinions advanced by distinguished Senators and Representatives in Congress from the States within whose chartered limits the Indians reside; all sustaining the doctrine that these treaties are the supreme law of the land. I solicit the committee to examine them, in connexion with the topic of argument which I am now discussing.

These treaties are and must be presumed to be valid, at least until declared to be void by the judicial department. It is not competent for Congress to declare them void. This power is not confided to this body, nor can they treat them otherwise than as binding, until that department of the Government, to which alone is confided the authority to judge of their validity, shall pronounce them not to be the supreme law of the land.

As these treaties were made under the authority of the United States, they are, of course, valid. The committee will notice the marked distinction which is made in the constitution between treaties and laws. Treaties made, or which shall be made, under the authority of the United States, and laws which shall be made in pursuance of the constitution, shall be the supreme law of the land. To

make a treaty binding, it is necessary that it should be made by the authority of the United States, and this is all which is necessary. This authority is delegated to the President and Senate, and, when exercised by them, the States have agreed that it is duly made. Whereas, as to a law, it must be made in pursuance of the constitution, and of this the judicial department is constituted the judge. Now, these treaties have been made by the President, and ratified by two-thirds of the Senate. They have therefore been made under the authority of the United States; and thus the States, by becoming parties to the constitution, have declared them to be the supreme law of the land. Is it in the power of any State, to declare that, in making these treaties, the limits prescribed by the constitution, were passed? that there was an exercise of power not delegated?

It is, in most cases, a safe rule by which to ascertain the correctness of an assumed principle, by following it out in its consequences. What would they be in the case we are now considering, if these treaties are invalid? If they are void as to the United States, or as to any of the States, they are so as to the Indians. If they cannot be carried into effect, in good faith, because they infringe upon the rights of the States, they are inoperative for all purposes. The Indian tribes may say with great propriety to this Government, if you have not the power to fulfil the stipulations contained in the treaties made with us, we are under no obligation, on our part, to comply with them. If you exceeded your powers, the treaties are at an end. And what would then be the result? Why, every cession of land made by virtue of them is a void grant. The boundaries which now circumscribe them, are no longer fixed and permanent. Every thing conceded by them in these treaties, is set afloat. Are the States more especially benefited by them, prepared for this result? Are they willing to acknowledge the principle that no permanent rights were acquired for them by the ratification of these treaties?

If the Indian tribes possess the rights of soil and sovereignty to the extent which I have attempted to show they do possess them; if the treaties and laws entered into and enacted by the United States in relation to these tribes, are valid, the power to pass this law does not exist, and its inexpediency is obvious. It takes away from those tribes, or impairs the rights which belong to them. It substitutes a legislative enactment, requiring only a majority of both Houses of Congress for a treaty which requires the assent of two-thirds of the Senate.

If my physical strength was competent to the task, I

would submit to the committee some considerations evincing the impolicy of the passage of this bill, growing out of the enormous expense which will attend its execution, and the utter annihilation which it will cause of the tribes who may remove to their contemplated residence west of the Mississippi. But I have already exhausted my strength in the discussion of the other interesting questions connected with the bill. I shall leave these topics to my friends who may follow me in this debate.

I would not, if I had the power, excite any improper sympathy in favor of these remnants of a once powerful race. I will not ask the committee to consider the manner in which the white man was received by them, when he first set his foot upon the shores of the Western world; to the cessions of lands which from time to time they have made to the colonies, and to this nation; to their present condition as improved in civilization, in morals, and religion; to their attachment to their present homes, the lands which they occupy, the graves of their fathers. No, sir, our obligations to sustain and protect them where they now are, are derived from sources which need not the aid of sympathy to give them credit.

My friend from New York [Mr. STORRS] pointed out the view which would hereafter be taken of our decision on this bill, should it become a law. He took us from this Hall, and assembled us before the tribunal of our own countrymen, who would pronounce the sentence of condemnation; before the tribunal of assembled nations, who would pass a like sentence; before the tribunal of posterity, where would be open the volume of history, in which would be found written in letters of fire, this republic violated its solemn treaty obligations with the Indian tribes, because it had the power, and was actuated by motives of interest to do it. Sir, our future historian will not have the power of the recording angel, as he writes this sentence, and drops upon it a tear to blot it out. It will remain there as long as time endures. It is like the ulcer of infamy; no balsam can heal it; it is like the wreck of a ruined reputation; no artist can rebuild it. I might pursue the train of thought suggested by my friend from New York. I might assemble this nation before the most august tribunal ever to be erected—the tribunal of the last day. But I shall not attempt to draw aside the veil which conceals the transactions of that day. Divine inspiration hath written for our admonition, and I pray that it may not be repeated, in the retributions of the last judgment, Cursed be he that possesseth himself of the field of the fatherless and him that hath no helper, and the congregated universe pronounce the sentence just.

APPENDIX

TO THE REGISTER OF DEBATES IN CONGRESS.

TWENTY-FIRST CONGRESS—FIRST SESSION.

List of Members of the Senate and House of Representatives of the United States.

SENATE.

MAINE—John Holmes, Peleg Sprague.
NEW HAMPSHIRE—Samuel Bell, Levi Woodbury.
MASSACHUSETTS—Nathaniel Sillsbee, Dan'l Webster.
CONNECTICUT—Samuel A. Foot, Calvin Willey.
RHODE ISLAND—Nehemiah R. Knight, Asher Robbins.
VERMONT—Dudley Chase, Horatio Seymour.
NEW YORK—Nathan Sanford, Charles E. Dudley.
NEW JERSEY—Theodore Frelinghuysen, Mahlon Dickerson.

PENNSYLVANIA—William Marks, Isaac D. Barnard.
DELAWARE—John M. Clayton, (*Vacant*).
MARYLAND—Samuel Smith, Ezekiel F. Chambers.
VIRGINIA—L. W. Tazewell, John Tyler.
NORTH CAROLINA—James Iredell, (*Vacant*).
SOUTH CAROLINA—William Smith, Robert Y. Hayne.
GEORGIA—George M. Troup, John Forsyth.
KENTUCKY—John Rowan, George M. Bibb.
TENNESSEE—Hugh L. White, Felix Grundy.
OHIO—Benjamin Ruggles, Jacob Burnet.
LOUISIANA—Josiah S. Johnston, Edward Livingston.
INDIANA—William Hendricks, James Noble.
MISSISSIPPI—Powhatan Ellis, (*Vacant*).
ILLINOIS—Elias K. Kane, John McLane.
ALABAMA—John McKinley, William R. King.
MISSOURI—David Barton, Thomas H. Benton.

HOUSE OF REPRESENTATIVES.

MAINE—John Anderson, Samuel Butman, Geo. Evans, Rufus McIntire, James W. Ripley, Joseph F. Wingate.—6. (*one vacant*.)

NEW HAMPSHIRE—John Brodhead, Thomas Chandler, Joseph Hammons, Jonathan Harvey, Henry Hubbard, John W. Weeks.—6.

MASSACHUSETTS—John Bailey, Isaac C. Bates, B. W. Crowninshield, John Davis, Henry W. Dwight, Edward Everett, Benjamin Gorham, George Grennell, Jr. James L. Hodges, Joseph G. Kendall, John Reed, Joseph Richardson, John Varnum.—13.

RHODE ISLAND—Tristram Burges, Dutee J. Pearce.—2.
CONNECTICUT—Noyes Barber, Wm. W. Ellsworth, J. W. Huntington, Ralph J. Ingersoll, W. L. Storrs, Eben. Young.—6.

VERMONT—William Cahoon, Horace Everett, Jonathan Hunt, Rollin C. Mallary, Benjamin Swift.—5.

NEW YORK—William G. Angel, Benedict Arnold, Thomas Beckman, Abraham Bockee, Peter I. Borst, C. C. Cambreleng, Jacob Crocheron, Timothy Childs, Henry B. Cowles, Hector Craig, Charles G. Dewitt, John D. Dickinson, Jonas Earl, Jr. George Fisher, Isaac Finch, Michael Hoffman, Joseph Hawkins, Jehiel H. Halsey, Perkins King, James W. Lent, John Magee, Henry C. Martindale, Robert Monell, Thomas Maxwell, E. F. Norton, Gershom Powers, Robert S. Rose, Henry R. Storrs, James Strong, Ambrose Spencer, John W. Taylor, Phineas L. Tracy, Gulian C. Verplanck, Campbell P. White.—34.

NEW JERSEY—Lewis Condict, Richard M. Cooper, Thomas H. Hughes, Isaac Pierson, James F. Randolph, Samuel Swann.—6.

PENNSYLVANIA—James Buchanan, Richard Coulter, Thomas H. Crawford, Joshua Evans, Chauncey Forward, Joseph Fry, Jr. James Ford, Innis Green, John Gilmore, Joseph Hemphill, Peter Ihrie, Jr. Thomas Irwin, Adam King, George G. Leiper, H. A. Muhlenburg, Alem Marr, Daniel H. Miller, William McCreery, William Ramsay, John Scott, Philander Stephens, John B. Sterigere, Joel B. Sutherland, Samuel A. Smith, Thomas H. Sill.—25. (*One vacant*.)

DELAWARE—Kensey Johns, Jr.—1.

MARYLAND—Elias Brown, Clement Dorsey, Benjamin C. Howard, George E. Mitchell, Michael C. Sprigg, Benedict L. Semmes, Richard Spencer, George C. Washington, Ephraim K. Wilson.—9.

VIRGINIA—Mark Alexander, Robert Allen, William S. Archer, William Armstrong, John S. Barbour, Philip P. Barbour, J. T. Boulding, Richard Coke, Jr. Nathaniel H. Claiborne, Robert B. Craig, Philip Doddridge, Thomas Davenport, William F. Gordon, Lewis Maxwell, Charles F. Mercer, William McCoy, Thomas Newton, John Roane, Alexander Smyth, Andrew Stevenson, John Taliaferro, James Trezvant.—22.

NORTH CAROLINA—Willis Alston, Daniel L. Barringer, Samuel P. Carson, H. W. Conner, Edmund Deberry, Edward B. Dudley, Thomas H. Hall, Robert Potter, William B. Shepard, Augustine H. Shepperd, Jesse Speight, Lewis Williams.—12. (*One vacant*.)

SOUTH CAROLINA—Robert W. Barnwell, James Blair, John Campbell, Warren R. Davis, William Drayton, William D. Martin, George McDuffie, William T. Nuckolls, Starling Tucker.—9.

GEORGIA—Thomas F. Foster, Charles E. Haynes, Wilson Lumpkin, Henry G. Lamar, Wiley Thompson, Richard H. Wilde, James M. Wayne.—7.

KENTUCKY—James Clark, N. D. Coleman, Thomas Chilton, Henry Daniel, Nathan Gaither, R. M. Johnson, John Kinkaid, Joseph Lecompte, Chittenden Lyon, Robert P. Letcher, Charles A. Wickliffe, Joel Yancey.—12.

TENNESSEE—John Blair, John Bell, David Crockett, Robert Desha, Jacob & Isaacs, Cave Johnson, Pryor Lea, James K. Polk, James Standifer.—9.

OHIO—Mordecai Bartley, Jos. H. Crane, Wm. Creighton, James Findlay, John M. Goodenow, Wm. W. Irwin, Wm. Kennon, Wm. Russell, William Stanberry, James Shields, John Thomson, Joseph Vance, Samuel F. Vinton, Elisha Whittlesey.—14.

LOUISIANA—Henry H. Gurley, W. H. Overton, Edward D. White.—3.

INDIANA—Ratiff Boon, Jonathan Jennings, John Test.—3.

ALABAMA—R. E. B. Baylor, C. C. Clay, Dixon H. Lewis.—3.

MISSISSIPPI—Thomas Hinds.—1.

ILLINOIS—Joseph Duncan.—1.

MISSOURI—Spencer Pettis.—1.

Delegates.

MICHIGAN—John Biddle.—1.

ARKANSAS—A. H. Sevier.—1.

FLORIDA—Joseph M. White.—1.

21st Cong. 1st Sess.]

Message of the President, at the opening of the Session.

[SEN. and H. of REPS.]

MESSAGE OF THE PRESIDENT,

TO BOTH HOUSES OF CONGRESS,

*At the commencement of the First Session of the
Twenty first Congress.*

DECEMBER 8, 1829.

*Fellow-Citizens of the Senate
and of the House of Representatives :*

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the Seat of Government, to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the Constitution, to present to you, as the Federal Legislature of twenty-four sovereign States, and twelve millions of happy people, a view of our affairs ; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our Union.

In communicating with you, for the first time, it is, to me, a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind, and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other Nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, presents subjects of difference between us and other Powers, of deep interest, as well to the country at large, as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors ; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with every thing which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the Executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong ; and I flatter myself, that, supported by the other branches of the Government, and by the intelligence and patriotism of the People, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other Powers, the most prominent are those which have, for years, been the subject of negotiation with England, France, and Spain. The late periods at which our Ministers to those Governments left the United States, render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations : Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development

of the policy which the present Cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific character ; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the Convention for regulating the reference to arbitration of the disputed points of boundary, under the fifth article of the Treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign States, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication, on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this Confederacy. The exposition of our rights, already made, is such as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the court of the Sovereign who has evinced his friendly disposition, by assuming the delicate task of arbitration, have been committed to a citizen of the State of Maine, whose character, talents, and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the Sovereign of a powerful, intelligent, and magnanimous People. The beneficial effects produced by the Commercial Convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her Government. Should this result induce a disposition to embrace, to their full extent, the wholesome principles which constitute our commercial policy, our Minister to that Court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed, under the authority, and, in many instances, by the express direction of the then existing Government of France, remain unsatisfied ; and must, therefore, continue to furnish a subject of unpleasant discussion, and possible collision between the two Governments. I cherish, however, a lively hope, founded as well on the validity of those claims, and the established policy of all enlightened Governments, as on the known integrity of the French monarch, that the injurious delays of the past will find redress in the equity of the future. Our Minister has been instructed to press these demands on the French Government with all the earnestness which is called for by their importance and irreputable justice ; and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our Minister recently appointed to Spain, has been authorized to assist in removing evils alike injurious to both countries, either by concluding a Commercial Convention upon liberal and reciprocal terms ; or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoiliations upon our commerce, committed under her authority—an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that Government, authorize us to expect will not be made in vain.

With other European Powers our intercourse is on the most friendly footing. In Russia, placed by her territo-

rial limits, extensive population, and great power, high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we cannot but anticipate that the result will prove favorable to the cause of civilization, and to the progress of human happiness. The treaty of peace, between these Powers, having been ratified, we cannot be insensible to the great benefit to be derived to the commerce of the United States, from unlocking the navigation of the Black Sea, a free passage into which is secured to all merchant vessels bound to ports of Russia under a flag at peace with the Porte. This advantage, enjoyed upon conditions, by most of the Powers of Europe, has hitherto been withheld from us. During the past Summer, an antecedent, but unsuccessful attempt to obtain it, was renewed, under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to ensure to them our most zealous attention.

Our trade with Austria, although of secondary importance, has been gradually increasing, and is now so extended as to deserve the fostering care of the Government. A negotiation, commenced and nearly completed with that Power by the late Administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the Senate.

During the recess of Congress, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the Representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and, as far as practicable, prospective condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our Government, in like cases, was no longer withheld.

Considerable advances have been made during the present year, in the adjustment of claims of our citizens upon Denmark for spoliation; but all that we have a right to demand from that Government, in their behalf, has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the Government, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary Powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in; as well as a similar one for the protection of our commerce and fisheries in the Pacific.

The Southern Republics of our own hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant when the restoration of peace and internal quiet, under permanent systems of Government, securing the liberty, and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self-government, and enable us to salute them as friendly rivals in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and, perhaps, forever stifled in that republic, by the love of independence. If it be true, as

appearances strongly indicate, that the spirit of independence is the master spirit; and if a corresponding sentiment prevails in the other States, this devotion to liberty cannot be without a proper effect upon the councils of the mother country. The adoption, by Spain, of a pacific policy towards her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself cannot fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American Governments, generally, are in a train of settlement; while the principal part of those upon Brazil have been adjusted; and a Decree in Council, ordering bonds to be issued by the Minister of the Treasury for their amount, has received the sanction of his Imperial Majesty. This event, together with the exchange of the ratifications of the Treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that Power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested; and, if met by a proper disposition on the part of that Government, important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister Republics, and more particularly in that of our immediate neighbor, it would be most gratifying to me, were I permitted to say, that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you that prejudices, long indulged, by a portion of the inhabitants of Mexico against the Envoy Extraordinary and Minister Plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries; and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties; but particularly that of the Mexican Government to ratify a treaty negotiated and concluded in its own capital and under its own eye. Under these circumstances, it appeared expedient to give to Mr. Poinsett the option either to return or not, as, in his judgment, the interest of his country might require; and instructions to that end were prepared; but, before they could be despatched, a communication was received from the Government of Mexico, through its Chargé d'Affaires here, requesting the recall of our Minister. This was promptly complied with; and a representative, of a rank corresponding with that of the Mexican Diplomatic Agent near this Government was appointed. Our conduct towards that Republic has been uniformly of the most friendly character, and, having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

In justice to Mr. Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of a successor, are not to be ascribed to any evidence that the imputation of an improper interference by him, in the local politics of Mexico, was well founded; nor to a want of confidence in his talents or integrity; and to add, that the truth of that charge has never been affirmed by the Federal Government of Mexico, in its communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice President. Our system of government was, by its framers, deemed an experiment; and they, therefore, consistently provided a mode of remedying its defects.

To the people belongs the right of electing their Chief

Magistrate: it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves, that, in proportion as agents to execute the will of the People are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful: all are liable to err. So far, therefore, as the People can, with convenience, speak, it is safer for them to express their own will.

The number of aspirants to the Presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance: and, in that event, the election must devolve on the House of Representatives, where, it is obvious, the will of the People may not be always ascertained; or, if ascertained, may not be regarded. From the mode of voting by States, the choice is to be made by twenty-four votes; and it may often occur, that one of these may be controlled by an individual representative. Honors and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the Representative to be proof against the powerful motives by which he may be assailed—the will of the People is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates: finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect the President; and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—that the majority is to govern—it must be very certain that a President elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavor so to amend our system, as that the office of Chief Magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of President and Vice President. The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connexion with such an amendment, it would seem advisable to limit the service of the Chief Magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved, would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted by their exclusion from all appointments in the gift of the President in whose election they may have been officially concerned. The nature of the judicial office,

and the necessity of securing in the Cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

There are perhaps few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and Government rather as a means of promoting individual interest, than as an instrument created solely for the service of the People. Corruption in some, and, in others, a perversion of correct feelings and principles, divert Government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or, at least, admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office, than is generally to be gained by their experience. I submit, therefore, to your consideration, whether the efficiency of the Government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the People, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in office, is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the People, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and, although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred, during the recess of Congress, in the condition of either our Agriculture, Commerce, or Manufactures. The operation of the Tariff has not proved so injurious to the two former, nor as beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished, while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt.

To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of Government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations, could not by common consent be abolished, and commerce allowed to flow in those channels to which individual enterprise—always its surest guide—might direct it. But we must ever expect selfish legislation in other nations, and are therefore compelled to adapt our own to their regulations, in the man-

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ner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing Tariff; believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day, are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influences, can never be just, and will not long retain the sanction of a People whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendancy, the North, the South, the East, and the West, should unite in diminishing any burthen, of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of Government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions, are the first that should engage the attention of Congress in the modification of the Tariff. Of these, tea and coffee are the most prominent: they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties, will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious, and not injurious, it should be gradual and certain.

The public prosperity is evinced in the increased revenue, arising from the sales of the public lands, and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the Act of 19th of May, 1828, and the unusual importations in the early part of that year.

The balance in the Treasury on the 1st of January, 1829, was five millions nine hundred and seventy-two thousand four hundred and thirty five dollars and eighty-one cents. The receipts of the current year are estimated at twenty-four millions, six hundred and two thousand, two hundred and thirty dollars, and the expenditures for the same time at twenty-six millions one hundred and sixty-four thousand five hundred and ninety-five dollars; leaving a balance in the Treasury on the 1st of January next, of four millions four hundred and ten thousand and seventy dollars, eighty-one cents.

There will have been paid, on account of the public debt, during the present year, the sum of twelve millions

four hundred and five thousand and five dollars and eighty cents; reducing the whole debt of the Government, on the first of January next, to forty-eight millions five hundred and sixty-five thousand four hundred and six dollars and fifty cents, including seven millions of five per cent. stock, subscribed to the Bank of the United States. The payment on account of the public debt, made on the first of July last, was eight millions seven hundred and fifteen thousand four hundred and sixty-two dollars and eighty-seven cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry and auspicious of the ability of Government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burthens, and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the States will also be increased, and may be more extensively exerted in favor of education and other public objects, while ample means will remain in the Federal Government to promote the general weal, in all the modes permitted to its authority.

After the extinction of the public debt it is not probable that any adjustment of the tariff, upon principles satisfactory to the People of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution, while, by others, it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States according to their ratio of representation; and, should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a glor-

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ernment of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country, and to the glorious cause of self government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs, was intended to be left where the Federal Convention found it—in the State Governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting, to the watchful and auxiliary operation of the State authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence, the Federal system can never fail.

In the collection of the revenue, the long credits authorized on goods imported from beyond the Cape of Good Hope, are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by Government, sufficient to receive the goods offered in deposit for security, and for debenture; and if the right of the United States to a priority of payment out of the estates of its insolvent debtors were more effectually secured, this evil would, in a great measure, be obviated. An authority to construct such houses is, therefore, with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice that the laws for the collection and security of the revenue arising from imposts, were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are in some respects quite insufficient for the proper security of the revenue, and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling, is so obvious as not to require comment, and I cannot be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil; avoiding, however, as much as possible, every unnecessary infringement of individual liberty, and embarrassment of fair and lawful business.

On an examination of the records of the Treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the Government, a considerable portion is undoubtedly desperate; and, in many instances, has probably been rendered so by remissness in the agents charged with its collection. By proper exertions a great part, however, may yet be recovered; and, whatever may be the portions respectively belonging to these two classes, it behoves the Government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public, and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted, that the supervisory power over suits brought by the public, which is now vested in

an accounting officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the Executive Department would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the Agent of the Treasury, so far as they relate to the superintendence and management of legal proceedings, on the part of the United States, be transferred to the Attorney General, and that this officer be placed on the same footing, in all respects, as the Heads of the other Departments, receiving like compensation, and having such subordinate officers provided for his Department as may be requisite for the discharge of these additional duties. The professional skill of the Attorney General, employed in directing the conduct of Marshals and District Attorneys, would hasten the collection of debts now in suit, and, hereafter, save much to the Government. It might be further extended to the superintendence of all criminal proceedings for offences against the United States. In making this transfer, great care should be taken, however, that the power necessary to the Treasury Department be not impaired: one of its greatest securities consisting in a control over all accounts, until they are audited or reported for suit.

In connexion with the foregoing views, I would suggest, also, an inquiry, whether the provisions of the act of Congress authorizing the discharge of the persons of debtors to the Government, from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails, in reference to this unfortunate class of citizens, is certainly due to them, and would prove beneficial to the country. The continuance of the liability, after the means to discharge it have been exhausted, can only serve to dispirit the debtor; or, where his resources are but partial, the want of power in the Government to compromise and release the demand, instigates to fraud, as the only resource for securing a support to his family. He thus sinks into a state of apathy, and becomes a useless drone in society, or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves that oppressive debt is the bane of enterprise; and it should be the care of a Republic not to exert a grinding power over misfortune and poverty.

Since the last session of Congress, numerous frauds on the Treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States' Court for this District, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the act of the 17th Congress, approved 3rd March, 1823, providing for the punishment of frauds committed on the Government of the United States. Either from some defect in the law, or in its administration, every effort to bring the accused to trial under its provisions proved ineffectual, and the Government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If, indeed, there be no provision by which those who may be unworthily entrusted with its guardianship, can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission. Or, if the law has been perverted from its original purposes, and

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criminals, deserving to be punished under its provisions, have been rescued by legal subtleties, it ought to be made so plain, by amendatory provisions, as to baffle the arts of perversion, and accomplish the end of its original enactment.

In one of the most flagrant cases, the Court decided that the prosecution was barred by the statute which limits prosecution for fraud to two years. In this case, all the evidences of fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused, until after the two years had elapsed. Surely, the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession; and, least of all, in favor of a public officer who continues to defraud the Treasury and conceal the transaction, for the brief term of two years. I would, therefore, recommend such an alteration of the law as will give the injured party and the Government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

In connexion with this subject, I invite the attention of Congress to a general and minute inquiry into the condition of the Government, with a view to ascertain what offices can be dispensed with, what expenses retrenched and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

The report of the Secretary of War will make you acquainted with the condition of our Army, Fortifications, Arsenal, and Indian Affairs. The proper discipline of the Army, the training and equipment of the Militia, the education bestowed at West Point, and the accumulation of the means of defence, applicable to the Naval force, will tend to prolong the peace we now enjoy, and which every good citizen—more especially those who have felt the miseries of even a successful warfare—must ardently desire to perpetuate.

The returns from the subordinate branches of this service, exhibit a regularity and order highly creditable to its character: both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation, to obviate the inconveniences specified in the report under consideration: to some of which it is proper that I should call your particular attention.

The act of Congress, of the 2d of March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the Executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they now are. Those, for example, in relation to the Paymaster and Surgeon General, assign to them an annual salary of two thousand five hundred dollars; but are silent as to allowances which in certain exigencies of the service may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances at different times under former administrations: but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases; in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defence, the Military Academy.

This institution has already exercised the happiest influence upon the moral and intellectual character of our army; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service; and, in a measure, secure to that class of troops the advantages which, in this respect, belong to standing armies.

I would also suggest a review of the Pension law, for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. These relics of the War of Independence have strong claim upon their country's gratitude and bounty. The law is defective, in not embracing within its provisions all those who were, during the last war, disabled from supporting themselves, by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the People, as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operations as soon I was informed that it had commenced. Before this period, however, applications under the new regulations had been preferred, to the number of one hundred and fifty-four: of which on the 27th of March, the date of its revocation, eighty-seven were admitted. For the amount, there was neither estimate nor appropriation; and, besides this deficiency, the regular allowances, according to the rules which have heretofore governed the Department, exceed the estimate of its late Secretary, by about fifty thousand dollars: for which an appropriation is asked.

Your particular attention is requested to that part of the report of the Secretary of War which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the Executive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund; which originally amounted to one hundred thousand dollars, and has recently been invested in United States' three per cent. stock.

The condition and ulterior destiny of the Indian Tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands and trust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy, and the Indians, in general, receding further and further to the West, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the United States for protection.

Under these circumstances, the question presented was, whether the General Government had a right to sustain those people in their pretensions? The Constitution declares, that "no new States shall be formed or

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erected within the jurisdiction of any other State," without the consent of its Legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the Confederacy which eventuated in our federal union, as a sovereign State, always asserting her claim to certain limits; which, having been originally defined in her colonial charter, and subsequently recognised in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an Independent Government within their State? and, unless they did, would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders, to declare itself an independent people, under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed, would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed; and that it has become a part of its duty to aid in destroying the States which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi, or submit to the laws of those States.

Our conduct towards these People is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain, until some of the tribes have become extinct, and others have left but remnants, to preserve, for a while, their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the States, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States whose limits they could control. That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitutional power. But the People of those States, and of every State, actuated by feelings of justice and regard for our national honor, submit to you the interesting question, whether something cannot be done, consistently with the rights of the States, to preserve this much injured race?

As a means of effecting this end, I suggest, for your consideration, the propriety for setting apart an ample district West of the Mississippi, and without the limits of

any State or Territory, now formed, to be guaranteed to the Indian tribes, as long as they shall occupy it: each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization; and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this Government.

This emigration should be voluntary: for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that, if they remain within the limits of the States, they must be subject to their laws. In return for their obedience, as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will, ere long, become merged in the mass of our population.

The accompanying report of the Secretary of the Navy will make you acquainted with the condition and useful employment of that branch of our service, during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of Government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement, were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that, notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has, in many important respects, not been secured.

In time of peace, we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were, when committed to their proper element. On this subject there can be but little doubt that our best policy would be, to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposits in navy yards, of timber and other materials, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force, in the report of the Navy Board, that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The Yard in this District being already furnished with most of the machinery ne-

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necessary for ship-building, will be competent to the supply of the two selected by the Board as the best for the concentration of materials; and, from the facility and certainty of communication between them, it will be useless to incur, at those depots, the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

Another improvement would be effected by dispensing altogether with the Navy Board, as now constituted, and substituting, in its stead, bureaux similar to those already existing in the War Department. Each member of the Board, transferred to the head of a separate bureau, charged with specific duties, would feel, in its highest degree, that wholesome responsibility, which cannot be divided, without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the Navy, to the prosperity of which each would be impelled to devote himself, by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character: its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the marine corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its Lieutenant Colonel Commandant, five Brevet Lieutenant Colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the artillery or infantry, there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the Navy may soon be made every thing that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the Secretary, to which I refer you for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the Army and Navy, as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and, where it does exist, it is submitted to Congress whether it ought not to be rectified.

The report of the Postmaster General is referred to as exhibiting a highly satisfactory administration of that Department. Abuses have been reformed; increased expedition in the transportation of the mail secured; and its revenue much improved. In a political point of view, this Department is chiefly important as affording the means of diffusing knowledge. It is to the body politic, what the veins and arteries are to the natural, conveying, rapidly and regularly, to the remotest parts of the system, correct information of the operations of the Government, and bringing back to it the wishes and feelings of the People. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs, a subject of high importance presents itself in the present organization of the Judiciary. An uniform operation of the Federal Government in the different States is certainly desirable; and, existing as they do in the Union, on the basis of perfect equality, each State has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the Union; to three others, the Circuit Courts, which constitute an important part of that system, have been

imperfectly extended; and to the remaining six, altogether denied. The effect has been to withhold from the inhabitants of the latter, the advantages afforded (by the Supreme Court) to their fellow-citizens in other States, in the whole extent of the criminal, and much of the civil, authority of the Federal Judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted; neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the Circuit Courts equally throughout the different parts of the Union, and, at the same time, to avoid such a multiplication of members as would encumber the Supreme Appellate Tribunal, is the object desired. Perhaps it might be accomplished by dividing the Circuit Judges into two classes, and providing that the Supreme Court should be held by those classes alternately—the Chief Justice always presiding.

If an extension of the Circuit Court system to those States which do not now enjoy its benefits should be determined upon, it would, of course, be necessary to revise the present arrangement of the Circuits; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the census of the People of the U. States will, to ensure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the Department of State forced itself, at an early period, upon the attention of the Executive. Thirteen years ago, it was, in Mr. Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a Home Department—a measure which does not appear to have met the views of Congress, on account of its supposed tendency to increase, gradually and imperceptibly, the already too strong bias of the Federal system towards the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation; but am not the less impressed with the importance of so organizing that Department, that its Secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the People. Both the constitutionality and the expediency of the law creating this Bank, are well questioned by a large portion of our fellow citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature, whether a National one, founded upon the credit of the Government, and its revenues, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the Government and country that were expected to result from the present Bank.

I cannot close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the

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re-capture of the frigate *Philadelphia*, under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of Executive interference, under a Government like ours, where every individual enjoys the right of directly petitioning Congress, yet, viewing this case as one of a very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognised and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our infant Navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps her seal upon it; and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow citizens, to the guidance of Almighty God, with a full reliance on His merciful providence for the maintenance of our free institutions; and with an earnest supplication, that, whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your councils.

ANDREW JACKSON.

December 8, 1829.

Documents accompanying the President's Message.

REPORT OF THE SECRETARY OF WAR.

DEPARTMENT OF WAR, }
30th November, 1829. }

To the President of the United States:

SIR: The Secretary of War submits to the President of the United States a report, shewing the manner in which the business of the Department has been conducted, that its details may be before him for consideration. The communications received from the different officers connected with the War Department, here annexed, contain every thing minutely, and more in detail, than can be presented in the Report. Such general suggestions, in reference to them, as may appear warranted by the public interest, it becomes his duty to submit, that they may receive from you the attention they shall be found to merit.

It is with pleasure made known, that the army is satisfactorily fulfilling their just engagements to the country; and that harmony and proper zeal prevails. The rank and file is nearly complete, and although desertion has not entirely ceased, yet it is less frequent than heretofore. The rigid exactions of the law, in reference to this crime, is believed to carry too great severity for a state of peace, and should be meliorated into something better corresponding with the magnitude of the offence. It is not the quantum, but the certainty of punishment, that is calculated to deter offenders; and as no soldier, in peace, has been executed under the sentence of a court martial, it has occasioned the impression that so severe a penalty will most probably not be enforced, and, hence, a disregard of it is entertained. I would by no means be understood at recommending a return to the infliction of stripes; it is a punishment altogether too degrading; it strips the soldier of that proud spirit, and of those lofty feelings of honor, which will tend to prepare him, when a suitable occasion may offer, to become a traitor to the country that has branded him with infamy, the stigma of which, no future good conduct, on his part, can remove.

The efficiency of an army is to be discerned through the pride, the elevated character of the individuals who compose it. To secure this condition of things, no man should be inveigled into public service under false pretences, and when his mind is not in a situation to engage in contract. He who should bargain with a neighbor for his property,

when found in a state of intoxication, would be justly reprehensible, and obnoxious to the imputation of practiced wrong: how much more cautious, then, should a Government be, the guardian of the rights of its citizens, to avoid a temporary purchase of their liberties, at such a time, and under such circumstances. Resting upon the correctness of this impression, orders have been issued, prohibiting any, when intoxicated, to be enlisted, and forbidding any contract to be finally consummated, until time and opportunity are afforded for deliberation. Pursuing this course, qualified and valuable materials will enter into and compose the ranks of our army, and character and pride be obtained. To attain this end, an effectual alteration would be to withhold the premium which at present is given for enlistments; the effect of which may be to induce a carelessness and indifference as to the description of men who are received. It might be better to make the premium, thus wrongly bestowed, an increased bounty to the enlisted recruit.

The long controverted question respecting brevet rank in the army has been decided in a manner which is believed to be in conformity with existing laws on the subject. I am happy to add, that, as far as opinions have been ascertained, the officers of the army are disposed to acquiesce in the decision, because of the certainty which has been arrived at, and the increased harmony which it is expected will be consequent upon that certainty.

There is a doubt resting, in connexion with this subject, which I beg leave to suggest the propriety of bringing to the consideration of Congress: it is as to the compensation rightfully to be extended to brevet officers, when a command is held correspondent to their rank. The interpretation given to the law upon this subject, by a regulation of the War Department, in 1827, is, that when a Captain is in the command of any larger numerical force than a company, no matter how inconsiderable; a Major, greater force than two companies; a Colonel more than a regiment; a General any force greater than a brigade; that in all such, and similar cases, the officers, respectively, are to be considered as having a command according to their brevet, and pay corresponding to their rank; conformably to the conceived provisions of the act of the 18th of April, 1818. The effect of this construction has been, so far as the pay of the army is concerned, instead of having one Major General and two Aids-de-Camp, as the act of 1821, for organizing the military establishment contemplated, there have been in service three Major Generals and six Aids; and instead of two Brigadiers, as is required by the same act, there have been four Colonels, who, in virtue of the regulation of 1827, relative to brevet appointments, have received the pay and emoluments of a Brigadier General; thus appending to the army three Majors and four Brigadier Generals, with other officers of lower grade, not contemplated by the act of 1821 for fixing a military peace establishment. It is submitted for Congress to determine how far this heretofore authorized procedure shall continue, or in future be restricted, to the conceived interpretation of the law.

As this construction had obtained, it was considered, if not strictly correct, at least not improper to be continued; especially as previous appropriations by Congress for brevet compensation had been made, and at their last session, too; thereby indicating an acquiescence to the regulation of 1827. But owing to the number of brevets which, in pursuance of the law requiring them, were conferred previous to the adjournment of the Senate, payments made on this account will exceed the estimate presented from the Department for the year 1829, and the appropriation consequent upon that estimate.

Under this constructive mode of granting extra allowances, there has likewise been conceded to the Surgeon General of the army, fuel and quarters, and a commutation of them. The language of the act of the 14th of

April, 1818, is, "there shall be a Surgeon General, with a salary of two thousand five hundred dollars per annum;" evidently intending to render this a salary officer, with a fixed and certain compensation. The act of the 30th of March, 1814, provides, "that the Physician and Surgeon General of the army, be entitled to two rations per day, and forage for two horses." At this time the compensation given, was also twenty-five hundred dollars a year. The subsequent act, however, of 1818, fixing and regulating the peace establishment, says nothing of perquisites or emoluments; and is hence to be considered as a revocation of previous enactments upon the same subject.

There is nothing which, by a fair construction of the law, would give the Surgeon General an allowance for fuel and quarters, which it is believed would not equally apply to the Paymaster General, to whom it has been refused. The words of the law are, as to both, the same. The compensation to the Paymaster General, as fixed by the act of the 24th of April, 1816, is as follows: "The Pay Department shall consist of one Paymaster General of the army, with the annual salary of two thousand five hundred dollars." The allowance ought to be extended to both, or else withheld from both. It is difficult to conceive how, upon any proper ground, a difference or distinction in those cases can be made; inasmuch as the laws conferring their pay are, in substance, and almost in expression, identical.

Another course, which, for a time past, has been pursued, arises under a regulation declaring certain bureaus connected with the War Department to be military posts; the effect of which has been to increase the number of admitted rations, and, of consequence, the amount of pay. By the regulation of 1825, it is provided "that double rations shall be allowed to the commanders of departments, and of such posts and arsenals as the War Department shall authorize."

It is not presumable, that places where mere civil duties are required to be performed, merit to be denominated military posts; or were so intended by the law. A different opinion and construction, however, has prevailed, and the definition "post" has been extended to the several bureau officers connected with the War Department, and double rations attached and commuted for. The construction thus given has not been altered: it is still retained; not from a belief that it was strictly correct, but that, having been heretofore acted upon and sanctioned, it was preferred to be left for the determination of Congress, that, by some further act of legislation, it might better be defined, what, for the future, should be considered a proper definition of the term; or by being passed over in silence, to suffer the present understanding to prevail. The regulation adopted is not conceived to be in conformity with the acts of Congress upon this subject. These speak of an increased admission of rations to officers when "commanding;" evidently intending such allowance, when they should be in the exercise of a military, not a civil trust. If, then, the law does not authorize it, the regulation of the Department certainly ought not: for, although authority is conceded to the Secretary of War, with the President's approbation, to adopt for the Army, rules and regulations, it should not be intended as a privilege to exercise legislative power. Such adopted regulations must be in conformity, not in opposition, to existing laws.

To guard against all unforeseen contingencies as to the pay of officers, I would suggest, if it would not be preferable to regulate the compensation of the Army on some fixed and certain basis, so that all should become salary officers. The facilities which such a course would afford to the accounting officers of the Treasury would be great, while an essential benefit would result to the officers themselves. To them it would prove more satisfactory. The practice, so prevalent, of hav-

ing items of account disallowed or suspended, as by different disbursing officers different opinions and conclusions, as to existing laws, are entertained, has not failed to introduce difficulties to the Government, and oftentimes embarrassment to the officers. By attaching to each grade, from the Major General, a salary certain and specific, dependent upon no contingency, happier results would be attained, and greater satisfaction produced to those who are interested. The only contingencies of payment authorized might be for stationary and postage; and for transportation, when proceeding under special orders from one post to another, with the authority which already pertains to the Department, of assigning, at particular posts, an allowance of increased rations, thereby to equalize, in some degree, the expenses of living; it being an item greater at some places than at others, and which, on principles of justice, should be placed upon some ground of equality. A tabular statement from the Paymaster General is annexed, showing the amount of pay, brevet pay, and emoluments, that are annually received by officers in their respective grades, as information and data by which to regulate the allowance of salary, should it be considered expedient.

From the report of the head of the Engineer Corps, it will be perceived that some amendments and changes are proposed. I beg leave to say, that, as regards the objects of national defence, the suggestions offered are worthy of high consideration. In improving the navigation of our rivers, bays, and harbors, constructing roads, and, above all, erecting those important fortifications which are to constitute the future defences of the country, this corps forms an essential reliance. Intelligent and skilful, these branches of service have been confided to them, and the fidelity of execution every where displayed is a manifestation of their worth and value to the country; added to which, every thing of safety and strict accountability for funds placed in their hands, is constantly regarded to the entire satisfaction of the Department. The same remark, however, and in equal justice, is applicable to all the disbursing officers connected with the War Department. If it be the pleasure of Congress that the important internal improvements of the country shall continue, and a desire correspondingly is possessed that those authorized works shall progress creditably to the spirit that projects them, there is no plan to be suggested preferable to an enlargement of this corps, to the extent that the entire reliance of the Government for all such objects may be on their exertions. At present, the number authorized is altogether insufficient to the objects requiring attention, to say nothing of the numerous and frequent applications from the States to be afforded the benefit of their services, and which the Department, owing to the paucity of their numbers, in repeated instances, have been constrained to refuse, when every disposition was felt to accord to the request.

This report minutely presents the state, condition, and progress, of the different fortifications which have been projected in Congress. By some error of estimate and fact, the appropriation, of last year, for the completion of Fort Jackson, on the Mississippi River, has fallen short of the object; and inconveniences will be felt unless an early appropriation can be procured. Discovering that the funds would prove insufficient, it was suggested to the Department, and brought to your consideration, if a portion of the unexpended amount set apart "for the repairs and contingencies of fortifications," might not be transferred to the head of "fortifications" generally. This, however, was refused, on the ground of authority wanted. It is now submitted for the purpose of receiving an early appropriation, that, before the sickly season on the Mississippi commences, the work may be in progress; otherwise, it must stand deferred, and be greatly retarded for another year.

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Documents accompanying the President's Message.

[SEN. and H. of REPS.]

The communication of the Board of Visitors, which accompanies the report of the head of the Engineer Corps, will show the condition and state of the Military Academy. Towards this Institution, prejudices, in some portions of the country, have been entertained, attributable, perhaps, to the circumstance that its advantages are not fully considered, nor its benefits duly appreciated. We are becoming a numerous and strong People, forming and extending our commercial connexions throughout the civilized world. From the experience afforded by other nations in times past, we are warned to the belief that jealousies, and disagreements, and contests, are to be expected to come upon us. Prudence to avoid, and preparation to meet, such a state of things, when rendered unavoidable, is demanded by a proper regard to our safety and our institutions. Men can no more become soldiers intuitively and by instinct than they can attain to a knowledge of any other profession in life. Information must prepare, and experience qualify, in all situations. At this Institution, the genius of the young men of the country will dawn and ripen, and the value of their services be found in moments of greatest peril. But, besides this high and estimable consideration, it may be looked to as one of the strong bonds of our union. Two hundred and sixty young men associated for a time, with all those attachments created which early friendships inspire, cannot fail to secure, for the future, increased strength and durability to the Government. Here education, and good conduct, and military discipline, are regarded; and while the mind is led forward and trained to useful thought, all those high feelings which constitute an honorable sense of propriety, are cherished and regarded. At no period has the institution been in a more flourishing condition. Col. Thayer, the efficient Superintendent, aided by professors of liberal endowments, zealous in the performance of the high trusts confided to them, are pressing it forward to a state of advancement, of which presently the country will have cause to be proud. Some additional improvements, suggested as necessary by the Superintendent, and which will involve but a slight increase of expense, are desirable, and will prove beneficial. The necessary explanations as to what is proposed, will be found to accompany the application.

A reference to the report of the chief of the Ordnance will show the particular details of operation in that branch of the service: it merits attention. It has been frequently observed that the best way to avoid war is to be in preparation. In this point of view it is desirable that the appropriations to be made for clothing our fortifications should correspond with the probable periods of their completion. It would, indeed, be a mortifying result, if, after the labor and cost which has been encountered for their completion, it should rest in the power of an enemy, at the onset of war, to seize or destroy them, because the means had not been placed in readiness for their defence.

From the report it will be perceived, that, at the present annual rate of appropriation, to wit, \$100,000, sixteen or twenty years will have passed before a proper supply of arms for those fortifications now in progress can be obtained for their defence. As regards this subject, the course most advisable to be pursued would be, that the armament preparation should progress correspondently with the works themselves; not that they should be mounted, and, by exposure to the weather, become decayed and useless, but that the guns, being at their positions, and the carriages in readiness, on the apprehension of war, suitable preparation for resistance might, at all defensible 'points,' appear, meeting the objects for which those fortifications were designed, and yielding protection to the assailable parts of the Union. If, in the slow and gradual preparation for a necessary and adequate armament, at present pursued, sixteen years shall be

found requisite, and war within that period take place, a consequence would be, that some of our forts, built up at great expense, would be destroyed, because incapable of self-defence; or else, by being retained and armed, be used by the enemy as annoyance and injury to ourselves. A measure involving such important considerations should not be protracted in its execution: it carries with it, in foreboding anticipation, too much of probable evil consequence. This subject derives additional interest from the consideration that guns and carriages require time in preparation; they are things that cannot be hastily arranged, and which to refer might prove prejudicial.

At the different arsenals and magazines an abundant supply of powder is in store. Considering its liability to injury, rather than keep up the supply, it would be preferable to procure the materials of which it is composed, ready to be manufactured when circumstances shall make it necessary. These articles are now remarkably cheap, and are easily preserved from deterioration. Recollection retains the fact, that, during the last war, the average price of saltpetre was about forty cents, and brimstone eight. Involved in another contest, the same state of things might be presented, while, at present, those articles can be procured at one-eighth the prices which, of necessity, had then to be given. Being susceptible of ready preservation, it would prove a matter of economy to forbear any further purchase of powder, contenting ourselves merely with obtaining an adequate supply of ingredients, whenever it could be procured at fair prices. The materials thus preserved and in readiness could, at short notice, be manufactured whenever occasion should make it necessary.

The Quartermaster General's report to me will be found to explain fully the business under his supervision. For reasons sufficiently explained, the disbursements by him have exceeded the appropriation made for the service of the year. The causes which occasioned this condition of things were, that a portion of the funds intended for 1829 had, necessarily, to be applied to arrearages of expenditure incurred in the preceding year of 1828, for which no estimate had been submitted and no provision made. It became necessary, therefore, to provide means from some other legal source: accordingly, a transfer of fifty thousand dollars from the Subsistence to the Quartermaster was made, agreeably to the provisions of the act of May, 1820. By the act of March, 1809, it is required that a special account of moneys transferred, and of their application, shall be laid before Congress in the first week of their session. To do this, from the recent date of the transaction, will be impracticable. All that at present can be communicated is, that a portion of the transferred fund has been placed in the hands of the Assistant Quartermasters; though to what particular objects its application may be made can only be known when a settlement of expenditures in the present quarter shall take place. The deficiency thus incurred admonishes that an enlarged appropriation for this branch of the public service will be required for the year 1830. Indeed, such is the character of this service, dependent on so many circumstances, and on such various contingencies, that estimates in anticipation of the year cannot be rendered with precise accuracy.

The present condition of the Breakwater at the mouth of the Delaware, the Quartermaster General's report will explain. A desire was entertained, and a confidence reposed, that, ere the close of the season, this important and valuable work, so essential and so necessary to the commerce of the country, would have been in a more rapid state of advancement. The contractors, however, have fallen considerably short even of their own expectations. Difficulties at the onset, which they had not foreseen and which it was not in their power, as they allege, to remedy, has retarded their progress so considerably, that not more

than a fifth of the quantity of stone contracted for has been delivered in the present year.

The difficulty of presenting accurate and certain estimates, is alike applicable to a proper execution of the duties of the Commissary General of Subsistence. For that service they are to be made in reference to contracts previously entered into. These, however, fail occasionally to be executed, and then it devolves upon him to purchase, whereby increased prices and enlarged expenditures are incurred. In this service there are peculiar hardships, frequently resulting to citizens, which are without any adequate remedy, because no sufficient discretion to afford relief is any where given. The proposals made, and contracts entered into, are always in reference to the probable prices of provisions in the market; and, the better to understand this, they are usually made early in autumn. Nevertheless, provisions, and especially flour, are often subject to sudden and considerable appreciation, thereby inducing pecuniary losses, and not unfrequently ruin the contractor. The Government should not so severely exact upon an unfortunate contract made with a citizen, as to compel him to ruin, when accidental cause, and not misconduct, has occasioned the failure, but should repose a discretion somewhere, by which relief might be afforded in cases of such peculiar and serious hardship.

A suggestion from the Surgeon General of the army is, that the medical staff does not contain a sufficient number of surgeons and assistants to perform properly the necessary and required trusts; and an enlargement of the corps is suggested. Although there are fifty-two, yet, from occasional furloughs, sickness, and other causes, it often happens that, for the supply of a post, a citizen surgeon has to be employed, producing an annual charge upon the Government of 8 or \$10,000. The proposed enlargement would not entirely, yet would in some degree, prevent this. Recruiting rendezvous, and sickness to officers, when not in reach of an army surgeon, will, under any state of things, occasion some expenditure of this description. Already the posts are numerous, and, possibly others may require to be established for protection to the frontiers and security of the revenue. The custom-house receipts at Key West, and the inability of the inhabitants to protect it from some piratical assault, may suggest to Congress the propriety of placing a military defence there. On the Calcasieu river, too, near the Sabine, another post recently has been directed, to prevent, in this wilderness region, illegal importations, which, in that direction, are anticipated and feared. Other causes may arise to make it necessary for more posts to be created, and hence to afford employment to a greater number of assistants and surgeons.

Connected with the army there is a subject which merits some consideration. Our officers on distant service, particularly those on our Indian frontiers, are often called upon to execute trusts, arising under general acts of Congress, and sometimes by special orders directed to them. For supposed infractions of the laws, suits and exemplary damages are oftentimes the consequence. It is generally understood that the damages to be assessed, are not to be paid by the officer, but by the Government. As a suitable remedy for the evil, might it not be advisable to extend the authority of judicial interference in all cases where the interest of the United States may appear to be involved, that, under proper restrictions, they may be brought for consideration before the Supreme Court, without regard to the amount in controversy? The effect would be to prevent those frequent suits with which our officers are annoyed. If an intrusion is made upon Indian territory, a supposed trespass committed, or the United States found in possession of lands adversely claimed, no matter how, damages seldom fail to attend the prosecution. Instances of the kind have recently occurred, and,

to prevent them for the future, legislative authority should be extended, that, under an exercise of proper discretion, such cases may, in disregard of the amount in contest, be submitted to the Attorney General, to be brought before the Supreme Court for decision, if he shall conceive that there is error in the decision and proceedings.

There is another subject, heretofore stated to you, which it may be proper to suggest for the information of Congress, that such measures as shall be considered advisable, may be adopted. A long time ago, at an early period of our history, the Seneca tribe of Indians, situated in the State of New York, placed in the hands of the President of the United States, in trust, \$100,000. That trust, through the several Chief Magistrates of this country, has been executed for the benefit of the tribe, by being from time to time vested in stocks. In 1826, it was invested in the three per cent. funds, amounting to \$112,853 78, which yields an annual interest of \$3,385 60 cents. On applying, as your Attorney in fact, for the dividend, I learned that the proceeds of the stock had heretofore passed to the credit of the Indian appropriation fund; and that, from the same fund, the sum of six thousand dollars had been paid annually to the Senecas. Not feeling myself at liberty thus to act, or to do more than receive and pay over the actual dividend arising on the stock, I forbore to do so until you were consulted. Your opinion being ascertained, I received and forwarded to the agent the actual amount of the dividend, with instructions to make to the Indians the necessary explanations on account of this diminution. It is difficult to impress them with a correct conception of this matter. They cannot bring themselves to understand wherefore they should now receive less for their money than has formerly been the case. Of dividends and Government stocks they know nothing. It is for Congress, then, to determine if, as heretofore, the six thousand dollars shall continue to be paid, or that amount only which is the dividend resulting from the principal vested in trust for their benefit. If the former course be concluded upon, the sum of \$2,614 40 will be necessary to be appropriated for the next year, and a like sum on account of the deficiency of the last.

The communication from the Pension Office presents the number of Revolutionary and Invalid Pensioners, and the deaths which have occurred with each during the year. Of the former the number is 12,201, of which four hundred and one have died; and 3,794 of the latter, of which forty-one have died; being one out of thirty of the former, and one out of ninety of the latter. The amount appropriated for revolutionary purposes, in the present year, has fallen considerably short of the demands upon the Government. For the present it is estimated at \$50,000, though, most likely, it will exceed that amount. A deficiency appearing at the payments in September last, the President of the United States' Bank, Mr. Bidle, voluntarily came forward and tendered any advance necessary to meet the deficiency, and thereby enabled the Government to fulfil their engagements to those claimants of the Revolution. Soon as the precise amount thus voluntarily advanced from the Bank can be ascertained, through a report of the particular deficit at different agencies, a statement will be submitted, that it may be repaid through an early appropriation. It will be necessary, the fund being completely exhausted, to appropriate generally, for this object, at some early period of the session, that remittances may be made to distant parts before March next, and disappointments to the pensioner on the Government thereby guarded against.

A regulation was found to have been adopted in the War Department, which conceded the right of being entered as a revolutionary pensioner, in all cases where the applicant should show that he was worth less than \$960. This promised greatly to swell the list. Having been

adopted late in December, 1828, information of it was obtaining circulation and currency through the States, and applications were fast presenting themselves. In March, that regulation was revoked, upon two grounds: first, that the appropriation for the payment of pensioners would be insufficient for those who, previously to that order, had been admitted; and, secondly, that the regulation appeared to be of a character which none but Congress had a right to make.

The laws respecting invalid pensions require revision. As they now stand, and under the constructions given to them, he who at any time has been in the army, and can obtain a certificate that his ill health, or state of infirmity, is consequent upon some sickness or accident, happening to him while in service, or on duty, no matter of how remote a date, is entitled to a pension. Men, at distant periods from the expiration of their service, become blind, and it is reported that, in consequence of being stationed at some particular place injurious to vision, the ill effect has been prodigious; they sink into consumption, and it is traced to a cold caught while in service; in such cases, the recognized precedents go to establish the right of the party to be placed on the list of pensioners. If this shall continue to be the interpretation given to the laws upon this subject, the list of invalid pensioners must continue greatly to increase. Whenever a soldier is disabled by wounds received in battle, or through an accidental injury occurring while actually in the discharge of his duty, a just claim arises that his country will support him; but those consequent disabilities, which are carried back to probable, and uncertain, and remote causes, should not be considered within the provision and authority of the law, nor is believed to have been so intended.

During the summer, two Western Military Posts, which had previously been established, were abandoned. The troops at Cantonment Towson were instructed to retire upon Fort Jesup. The reasons which induced this measure were, that being above the Raft on Red River, and not conveniently to be approached by water communication, in the supplies to be delivered, considerable expense was created to the Government. This, certainly, was not a matter of consideration, when the safety of the frontiers was to be affected. Upon this head, however, nothing of apprehension was entertained, and the result, since its reduction, has fortified the truth of the anticipation. The established posts, at Cantonments Jesup and Gibson, it is believed, will afford an ample guarantee for the pacific department of the Indians in that direction.

Cantonment Leavenworth, situated at the mouth of Little La Platte, was also reduced. The experience of several years had taught, that health to the garrison could not be maintained. It was accordingly removed to Jefferson barracks, and some of the healthy companies of the 6th regiment ordered thence to the Santa Fe road, to give protection to our Western traders, with directions to retire in the Autumn, and take up their Winter's residence at this post, where, in the Spring, they will again be in readiness to proceed upon their western line of march, to afford protection to the traders with Mexico. Thus acting, there will be a greater security for health, while a better effect will be produced upon the Indians, than from their remaining stationary at any point. This overland trade, carrying with it many articles the product of our country, and bringing back in exchange the gold and silver of Mexico, promises to be valuable, and merits some attention on the part of the Government. The confidence inspired by the furnished escort, induces a belief that the trade will prove beneficial. It is shown, by recent information received, that the return of those traders to the United States will bring in exchange, in the present year, for what was taken out, at least \$200,000 in specie.

I would suggest the propriety of granting a discretion to this Department, to supply a portion of the troops stationed along our Western borders with horses, that, being well equipped, they might act with more efficiency. Mounted men would afford a securer protection, and give rise to a more salutary effect upon marauding parties of Indians, and towards the tribes themselves. Garrisons can produce little else than a moral effect: for, being stationary, they cannot easily restrain lawless parties from mischievous acts. Familiarly acquainted through the forest, and active in retreat, they find little difficulty in practising, when disposed, their outrages, and avoiding pursuit afterwards. A knowledge from circumstances before them, that they could be overtaken, would stay them from aggression more effectually, and at the same time create but a slight addition to the expenditure of the Army—a matter scarcely worthy to be considered, in reference to the benefits most likely to be produced to our frontier and its inhabitants.

As regards the Indian tribes within our limits, it is important to them and ourselves that some definitive plan should be adopted to maintain them as a People, with all those principles of courtesy and justice suitable to their condition, and which may be in our power to extend. Experience proves, that within the States they cannot remain. Serious difficulties have threatened to arise out of this subject, and greater ones may in future be anticipated. The States will not consent for their limits to be occupied by a People possessed of savage habits, and who claim to exercise the rights of government, independent of any control but their own.

A country beyond the Mississippi, better adapted to their habits and pursuits, and where they will be entirely free from all State interference, is the place they should retire to; not through any compulsion to be exercised, but by a course which shall satisfy them clearly that it is for their interest they should do so, and that their happiness requires it.

No better plan can be thought of, than that the United States shall put in operation such a system of Indian protection and government, West of the Mississippi, as that a confidence may be reposed, that they are indeed our fostered children, and the Government not only so disposed to consider, but practically to evince their good feelings towards them. At present an objection arises with the weaker tribes. They are indisposed to emigrate, from an apprehension that powerful and stronger neighbors may oppress them, and that no surer protection can be obtained from the United States, in the West, than is possessed already where they reside. To remove such apprehensions will be of importance.

I beg leave to suggest for your consideration, if an Indian Territory, without the range of the Western States and Territories, might not be advantageously created; and to give efficiency, and to inspire confidence, military posts, under some able and discreet officer of the Army, to be designated at some central and convenient point. Intrusions from the whites might thus be restrained, and the Indians maintained in quiet with each other. Laws for their general government, and to preserve peace amongst the tribes, to be the act of the United States, with a right to the Indians, in Council, to make their own municipal regulations.

The displeasure of individual chiefs, and the exciting their young men to maraud on neighboring tribes, to be provided against by prohibiting any war to be commenced unless it should be declared in general council, and with the knowledge, and in the presence of the Governor, or his authorized agent.

Those Indian differences usually find their origin in light and trifling matters, which timely remedies could, in many instances, prevent, but which, if neglected, often produce considerable difficulty, and to us, expense in re-

[Mr. and H. of Reps.]

Documents accompanying the President's Message.

[21st Cong. 1st Sess.]

storing tranquillity. Accident or design may bring about a conceived or real wrong; retaliation is the consequence, which, being again imitated by an adverse party, presently ripens into matters of serious consequence. As moral influences can be productive of little benefit to minds not cultivated, it will be prudent and necessary to arrange to the best advantage the physical force of the country. Justice to the inhabitants of our frontiers, and humanity to the Indians, will be more certainly attained, by creating a sure impression that every outrage will promptly receive a proper requital. That interference, and that assertion of authority, which this, as an independent country, has a right to exercise over dependent tribes within her limits, maintained steadily, and with strict regard to justice, may effect for this unfortunate race of people all that philanthropy can suggest, or good men desire.

Nothing promises security to these people so effectually as their emigration. Within the States to the South, computing the four tribes—Creeks, Cherokees, Chickasaws, and Choctaws—their numbers will fall little short of seventy-five thousand. Removing them in small detached parties, as heretofore has been the case, renders the operation a matter of greater expense than is seemingly necessary. If the expediency of inducing them to a change of homes, and to place them without the range of the States, shall be determined on, a large appropriation will be wanted for the object, to be placed at the disposition of the Executive; and then a hope may be cherished that this desirable object may be attained. But, with partial appropriations, and partial ends accomplished, it must require a tedious time to bring about the final result, and will involve an increased expenditure to the public.

For the details of operations connected with the Indian Department, during the present year, I beg leave to refer to the report from the officer of Indian Affairs, which accompanies this communication.

Very respectfully,

JOHN H. EATON.

REPORT OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT, }
December 1, 1829. }

To the President of the United States:

The Secretary of the Navy respectfully presents the following report:

The Naval force of the United States, which has been kept in active service during the present year, has been composed of the different squadrons employed in cruising on the stations heretofore assigned them.

The squadron in the Mediterranean has been continued in that service, with the exception of the Delaware 74 gun ship, and the schooner Porpoise, which have been withdrawn, the latter having been represented by the commanding officer to require extensive repairs. The return of the Delaware was decided on under a belief that the present state of our political and commercial relations in the Mediterranean did not require the employment of a ship of this class in that sea; that all the necessary protection could be given to our commerce by frigates and smaller vessels; that these promised to be more efficient in the pursuit and capture of such vessels as might be expected to assail it, and were less liable to suffer from the dangers of the Mediterranean navigation. The Constellation frigate and the sloop Ontario were accordingly ordered to join the squadron; the former conveying to England and France the newly appointed Ministers to those countries. Information has been received of the favorable execution of these duties. Our Ministers have been landed at their respective points of destination, and these vessels, it is presumed, have, before this, assumed their stations in the Mediterranean squadron.

It is to be regretted that instances of insubordination have been manifested among the officers of this squadron. Courts Martial have been necessarily resorted to, and some of the refractory have been sentenced to temporary, and others to permanent dismissal from the service. It is gratifying, on the other hand, to know, from authority entitled to confidence, that the general conduct of the officers of this squadron has been such as to preserve, among the States and Sovereignities on the Barbary coast, the favorable opinion of the American character, which had been earned by the gallantry and honorable deportment of their predecessors.

The Naval force under the command of Commodore Ridgely, and ordered to cruise on the West India station, consisted, in the early part of the year, of the sloops Fal-mouth, Hornet, Erie, and Natchez, and the schooners Grampus and Shark.

Several acts of piracy having been reported to have been committed in the month of February last, the Natchez, which had returned to the United States for repairs, was ordered to rejoin the squadron. After cruising a few weeks, and there being no reason to apprehend a recurrence of these depredations, she again returned to the United States, and has since sailed to Colombia, taking out Mr. Moore, the United States' Minister to that Government, whence she was ordered to proceed to Rio Janeiro, to convey to the United States Commodore Creighton, whose command had been transferred to Commodore Cussin. This vessel was also required to afford a passage to Mr. Harrison, the late Minister to Colombia, on his return to the United States.

The recent invasion of the maritime frontier of the Mexican States, by the forces of Spain, having led to apprehensions that our commerce, in that quarter, might suffer by the encroachments which belligerents are so ready to make on neutral unprotected rights, the Peacock was equipped, and, taking out Commodore Elliott, to relieve Commodore Ridgely, was ordered to repair to the scene of these renewed hostilities. The Erie, which had also returned for repairs, sailed soon after to rejoin this squadron.

It is due to the late Commander, Commodore Ridgely, to say, that, as far as the means had been afforded him, he has kept his little squadron employed with vigilance and activity; and, on a late occasion, this has been gallantly demonstrated at Tampico, in the firm and prompt course pursued by Master Commandant Norris, in the rescue of the property of one of our countrymen from the grasp of unjust power.

For the last few months, except in the case just referred to, no information has been given to this Department, of any new act of piracy or aggression on the commercial rights of the nation; but there can be no doubt, that a relaxation in the policy lately pursued, would be followed by an immediate repetition of these depredations:

The squadron on the coast of Brazil and Buenos Ayres has been maintained to its usual extent, and has been varied only by the interchange of relief ships for those which had performed the ordinary routine of duty. The presence of this squadron, small as it has been, has probably obtained, for the commercial interests of our country, a security which would not have been granted to defenceless merchantmen. Peace having taken place between these two nations, nothing is to be dreaded by our merchant ships from an interference with belligerent privileges. Yet many reasons forbid the diminution of our naval force on these coasts. The annually increasing commercial intercourse between the United States and these countries, calls upon the Government to be prepared to multiply the means of its protection. Many complaints have been made by certain officers of this squadron against each other, of oppression on the one side, and of insubordination and neglect of duty on the other. The parties charg-

ing each other have been ordered to repair to the United States. Immediately after their return, a tribunal will be established to investigate these complaints, and to render justice alike to the aggressors and the aggrieved.

The squadron on the Pacific coast of South America consists of the frigate *Guerriere*, the sloop *St. Louis*, and the schooner *Dolphin*. No changes have been made in the force of this squadron. Commodore Thompson has succeeded Commodore Jones in the command; and the *Guerriere* and *St. Louis* have taken the places of the *Brandywine* and *Vincennes*. Commodore Jones has returned to the United States in the former, and the latter, acting under orders from the late Executive, after touching at the Friendly and Sandwich Islands, will return by way of the Cape of Good Hope. No information has been presented to the Department inducing a belief that an increase of this force is necessary; though, doubtless, good policy forbids that any portion of it be withdrawn. Annexed is a statement, marked A, shewing the disposition of the public vessels now in commission.

The report of the Commissioners of the Navy, which is herewith transmitted, marked B, furnishes a detailed statement of the number of ships of war in ordinary, their present condition, and the amount which will be required to fit them for service. These ships are represented to be in a state of premature and rapid decay, and, when the manner in which they have been disposed of at the stations is considered, this ceases to be a matter of surprise, how muchsoever it may be of regret. It has been the practice, when ships of war were to be laid up in ordinary, to place them under the general superintendence of the Commandant of the yard, whose avocations have been so multiplied by the Department, that he has but little time to devote to this duty. Thus, they remain exposed to the wasting agencies of the seasons, rain, and sunshine; and to all other causes which favor the decomposition of the materials of which they have been built. This sudden destruction of a fabric, upon the construction of which so much skill has been exercised, so much money expended, and upon the preservation of which so much of the commercial and national security depends, cannot but demand that immediate and effectual means be adopted to arrest its progress. The impolicy of cutting down the best timber in the country, and converting it into ships, which are to be subjected to this process of rapid destruction, would seem to be too glaring not to have been noticed, and too ruinously wasteful not to have been discontinued as soon as perceived. Within the last few years, the vessels which were in preparation on the stocks have been allowed to remain, under the protection of houses erected over them. In the report, marked C, the Commissioners have offered suggestions as to the measures necessary for preventing the progress of an evil which threatens to render abortive all the efforts of the Nation for the establishment of an effective naval force. The attention of the President is respectfully invited to this branch of the concerns of the Navy, as a matter of minor importance to no one which can be presented for his consideration.

In addition to the measures proposed by the Commissioners for the accomplishment of the objects to which their report refers, it is proper that some remarks be offered on points connected with this subject and on which their opinions were not required to be expressed. It is believed that the true policy of the Government will be to discontinue, for the present, the building of ships of war, unless for some specific object, or immediate emergency; to provide for the thorough repair of the ships in ordinary; for the erection of the necessary sheds for their protection; and for the establishment of a police at each of the naval stations, to superintend and enforce the employment of the means recommended by the Board of Navy Commissioners for their preservation; and such other

as the experience of the Navy may have shown applicable to this purpose. To carry the latter objects into execution, an additional appropriation will be required; but their completion must result in an important saving in the naval expenditure, and would give to the nation, instead of the decaying fabrics of which the ships in ordinary now consist, a marine force which could be made to act promptly and efficiently for its defence.

The duty of preparing ships for service, is, by the established regulations, committed to the Commandants of the yards, whose great object seems to be to hurry the equipment, and to incur as little expense as possible. Thus their preparation is imperfect, and the nation has to encounter a considerable expense in foreign ports to obtain the requisite supplies and repairs. The materials for effecting these are sometimes not to be procured; and the ship, being, through the whole cruise, in a crippled state, performs the service out and home at the risk of her loss, and perhaps that of her crew. Such a system, in peace, is hazardous; and, in time of war, dangerous in the extreme. Some cases have been brought to the notice of the Department, in which ships ordered on voyages of two or three years have been so carelessly equipped, that the whole cruise might be said to be a series of dangers and escapes, and their safe return a matter rather to be wondered at than expected. In every instance in which it can be conveniently done, the officer who is to command should attend to the equipment of his ship for sea. No one is so much interested in the proper discharge of this duty; no one will perform it so well.

It has been usual to discharge seamen at some foreign port, whenever the period of their enlistment expired, or to pay the expenses of their return to the United States. Both these plans are objectionable; the first, because it often leaves the seaman a wanderer on a foreign shore, where he either must suffer from want, or go into the service of other nations; thereby diminishing the number of this useful body of men, or inflicting a heavy burden upon the funds provided for the support of the Navy. To guard against both these inconveniences, the practice is proposed to be adopted, of making the cruises of the ships of war shorter than has been customary, and enlisting the crews for such a term as certainly to allow of their return to the United States before the expiration of the period of enlistment.

The Navy Yards established and now in operation in the United States, are located at the following places: Portsmouth, New Hampshire; Brooklyn, New York; Pensacola, Boston, Philadelphia, Washington, and Norfolk. There is scarcely any part of the expenditure for the establishment of a Navy which has contributed so much to exhaust the general fund intended for its support, as that which has been applied to objects connected with the building and maintaining of Navy Yards. It appears from the report made to Congress by the Secretary of the Navy for 1828, that the permanent expenses under this head, including Naval, Ordinary, Hospital, and Civil, amount, annually, to \$268,744. The great expense incurred in the support of these numerous establishments, makes it proper to inquire, whether it may not be materially diminished by a reduction of their number, without affecting, injuriously, other important interests of the Navy. The opinion entertained by those most conversant with such subjects, seems to be, that the number now in operation is greater than the public service demands; that a reduction of them would effect an important diminution of expenditure; and that, by concentrating the means and materials for building, repairing, &c. at two or three points most favorable for such purposes, it would tend greatly to promote the general objects of these establishments.

The Commissioners of the Navy Board were directed, on their late visit of inspection into the condition of the

Navy Yards, to examine them with a view to this reduction of their number, and to ascertain, as far as practicable, whether there may not be selected, on the numerous bays and harbors of the United States, other sites, embracing greater facilities and advantages than those which have heretofore been employed for those objects.

The report made by the Board, marked C, is herewith transmitted. It affords much interesting information on the points referred to them, and connected therewith, and is especially entitled to commendation for the independence of its views on a subject which, from its effects on local interests, is calculated to excite local jealousy and opposition. The document is earnestly recommended to your consideration.

Various representations have been made to the Department, of the advantages offered by the harbors of the small keys in the gulf of Mexico, called the "Dry Tortugas," as a Naval rendezvous and depot of supplies. Should these representations be correct, and the harbor found susceptible of defence, the importance of the position would be equal to that of any other on the Southern coasts. In the month of May last, Commodores Rodgers and Patterson were instructed to visit them, and make such general examination as would lead to a just estimate of their value and aptitude for the purposes contemplated. This service was performed by Commodore Rodgers—Commodore Patterson having unfortunately been prevented, by disease contracted on the journey, from joining in the examination.

The report made by Commodore Rodgers, marked D, is herewith transmitted. The result of his observations was so favorable as to justify a full and minute survey. Accordingly, Lieutenants Tattnall and Gedney, experienced officers, and well qualified for this service, were ordered to repair to the point designated, and have for some weeks been engaged in the performance of this duty. Their return is daily expected; and, when the information obtained by them shall have been received, it will be duly presented to your notice.

The value of the Live Oak growing on the public lands, on the Southern coasts of the United States, as a source of supply of the best timber for the purposes of the Navy, has been long properly estimated by the public, and various laws have been enacted by Congress with a view to its preservation. This has been found to be a task of no ordinary difficulty. The great value of this material for the building of vessels of every description, and the high estimation in which it is held, make it an object of pillage to the unprincipled of all nations; and this is not likely to be restrained but by the adoption of measures more coercive in their character than those which have been hitherto employed. It has been the practice to rely on the vigilance of Agents, distributed over different districts on the coasts. These Agents have been required to guard the public interest, and to bring to justice such as should be found trespassing on its rights. Hitherto their efforts have been unsuccessful. In a few instances only have the Agents been able to detect the depredators, or obtain restitution of the property. From the nature of the country in which this timber is found it must often happen that Agents on the land can afford but a very imperfect protection against these violators of the public rights. The whole coast presents a series of bays and creeks, readily accessible to such boats as can bring off the timber; while the adjacent district may consist of impervious forests, or morasses and swamps, which forbid the approach of a superintending force.

It is respectfully proposed that these agencies be discontinued, and that the protection of the public interest in this timber be confided to a marine force, adapted to the navigation of the bays and inlets on which it is produced.

Other important services might be rendered by the vessels employed on this duty. They might, if required, aid

in the enforcement of the Revenue Laws, and if competent officers were attached to them, afford facilities for the collection of materials for charts of these hitherto almost unexplored coasts.

Sundry testimonials have been presented to the Department (see copies and extracts marked E) shewing that canvass made of cotton, had been successfully employed in the merchant service of this and other countries, and partially in the Navy; all favoring the presumption, that this article might be advantageously used in the Navy of the United States. It was determined, therefore, that some experiments should be made to test the accuracy of these statements. The execution of this duty has, for the present, been committed to the superintendence of Commodore Elliott, and the experiments are now in progress.

Some trials will, also, be made of cordage prepared from this material.

It is also proposed to institute a course of experiments on the canvass and cordage made of American water-rotted hemp, which has been represented as possessing durability and strength at least equal to the same qualities of the imported article. The importance of being relieved from a dependence on foreign supply, for materials essential to the very existence of a Navy, justifies a full and decided trial of the products of our own country.

The practice has, for some years past, prevailed in the Department, to make allowances, or extra compensation, to officers who have been required to perform services not strictly within the line of their professional duty.

It is presumed that this practice had its origin in the belief, that the compensation allowed these officers was insufficient for their necessary support, and an inadequate return for their merits and services. Congress has not only yielded to, but indirectly sanctioned, the procedure, by adopting estimates for the appropriations founded on these anticipated allowances; and the officers themselves now view it as a source of emolument, which ought not to be denied to them. This state of things is irregular and unequal in its operation, and not a little embarrassing to the officer having the administration of the Department. If the compensation now allowed by law is too small, it should be increased; but let it be fixed, and not left to be dispensed at the pleasure, or by the favoritism of any one.

The compensation now made to the officers of the higher grades in the Navy, is probably far below what their distinguished talents and services entitle them to receive; and compared with the amount given to officers of the same or correspondent rank in the Army, is remarkable for its inequality and insufficiency. Annexed is an Exhibit, marked F, of the relative rank of the two classes of officers, and of the amount of compensation made to each under existing laws. It is difficult to understand on what principle of justice, or good policy, is founded this difference in the compensation made to officers in the same service, and of the same established rank. Is not the same eminent talent required for the command of a squadron as for the conduct of an army? An equal share of professional skill? Is the Naval officer less exposed to personal danger? Is his responsibility lighter; or are his labors less arduous? Does he contribute less to guard the interest or sustain the rights and honor of his country?

The establishment of schools for the instruction of the junior officers of the Navy, in the various branches of science appertaining to their profession, has so often been recommended to the favorable consideration of Congress, and has so uniformly been passed by, without obtaining their sanction, that it is with reluctance the subject is again introduced to their notice. A firm belief, however, that its tendency would be to qualify them for a better discharge of the high trust, which may at some future day devolve upon them, in their capacities of commanders, forms a sufficient motive for renewing the recommenda-

tion, and submitting some views on the subject, which have not been so much insisted on, and which may be entitled to consideration. It has been remarked by a naval officer of much experience and observation, that no inconvenience in the Navy is more sensibly felt than the general ignorance of the officers, of foreign languages. In addition to which, there is often great difficulty in procuring competent and proper persons to act in our ships of war as interpreters and linguists; nor has any allowance ever been made by Congress for the pay and subsistence of such persons. The perplexities and disadvantages under which our officers are placed by these circumstances, may readily be conceived. They are brought in contact during their cruises, with nations speaking different languages; subject to be drawn into correspondence with the authorities of different places; under the necessity often to board vessels of other nations for the purpose of examining their papers and documents; and often without the ability to understand their import and tendency. In time of war valuable prizes are lost from an inability to translate their papers, and to detect covered property and simulated documents; unnecessary and illegal detentions of vessels are made; and consequent damages obtained from the Government.

The schools which have been employed at New York and Norfolk, in the instruction of midshipmen in the elementary branches of mathematics, have been mere temporary arrangements made by the Department, and have never been fostered or recognized by law. Their introduction into use has not been effected by means very regular or direct, but they have been tolerated by Government, having been found useful, notwithstanding the very limited range of instruction afforded by them. It is respectfully proposed, that, until some better system can be matured, these schools be authorised by law; and that such appropriation be made for their extension and support as will enable the young officers to acquire a knowledge of such foreign languages as may be important for them to possess in the future pursuit of their profession.

The laws relating to Pursers in the Navy are believed to be defective in some of their provisions. At present, they do not provide a limitation to the periods of their continuance in office, nor for the renewal of their official bonds. Many advantages would probably result from their being appointed for stated periods, and made to renew their bonds, as is now required of Navy Agents, Collectors of the Customs, &c.

The mode of compensating them is not such as to lead to a correct discharge of their duties; nor such as is likely to advance the public interests. The profits of these officers arise, principally, from a per centage, which they are authorized to charge on the articles they sell to the crews of ships. A part of these is furnished from the stores of the Government, and the remainder by an advance made to them, to be sold at their risk, and for their own advantage. The temptation to increase their profits by improper demands upon a class of persons little qualified to detect imposition, may sometimes be difficult to be resisted, and ought not to be presented to them. When their dealings are conducted upon principles of the utmost fairness, the income of pursers, in ships of the largest class, amounts to two or three times the compensation of the commander—an extent of remuneration which their services cannot merit, and which is the more odious, when it is known to be drawn from the pockets of men, who, of all others in the employ of Government, earn their scanty wages with the most unremitted toil, and incessant personal danger.

In lieu of their present emoluments, it is proposed that they receive an annual salary, varied according to the responsibility imposed on them, by having a larger or smaller amount of stock entrusted to their care, and the degree of labor required for its disposition and preservation.

Under a system of regulations which would enable the seaman to obtain his little supplies of nautical comforts, at rates fixed, known, and moderate, and without dread of imposition, the Naval service would acquire a popularity with them, it has never enjoyed, and the present difficulty of recruiting seamen would be diminished to an extent important as to time and expenditure.

In conformity to an act of the last Session of Congress, in relation to the Africans stranded on the Coast of Florida, a vessel was chartered, and has sailed with them for Liberia, with the exception of two, who were unavoidably detained by sickness. They were placed under the direction of an Agent and an Assistant Surgeon of the Navy, with a liberal supply of hospital and other stores. An effort was made to send to their native country, by the same vessel, two Africans who had been introduced into Alabama, a few years since: but, so strong had their attachment become to this country, that they availed themselves of an opportunity, while preparing for the voyage, to make their escape; since which time they have not been recovered by the Agent of the Government. No cases of importation of this description of persons have come to the knowledge of the Department within the present year.

It may be proper to remark that drafts have been lately presented by the Agent at Liberia, for the purchase of munitions of war to enable the Colonists to defend themselves against the attacks of the neighboring tribes, with which they were threatened. These claims were rejected, on the ground that no law was known to exist which authorized their payment, or which justified any expenditure beyond a temporary support to the restored captives.

The present confused and unsettled condition of the fiscal concerns of the Navy Department, makes it proper that the subject be brought to the notice of Congress: since, it is believed, their interposition alone can lead to an equitable and final adjustment. In the month of March last, when it was discovered that these derangements in the finances existed, reference was made to the Board of Navy Commissioners, for such explanations as they might be enabled to give. Their communication in reply accompanies this report, marked G. From a desire to present such minute and detailed information on this subject as may be necessary for its proper illustration, the Fourth Auditor of the Treasury was requested by letter, (copy of which is annexed, marked H,) to report on the present condition of the accounts of his office, shewing the probable origin of these embarrassments, and to suggest such measures as he might think necessary to correct the evil. His answer is annexed, marked I.

The vacancy created in the command of the Navy Yard at Washington, by the death of the venerable and highly esteemed Commodore Tingey, in February last, has been supplied by the appointment of Commodore Isaac Hull. In April, this officer commenced the discharge of the duties of the station, and has since, by great industry and judicious arrangement, reduced the chaos of materials accumulated there to good order, and introduced a system of discipline and economy favorable to the general operations of the establishment.

The laws concerning the Marine Corps, and the act of 1800, establishing regulations for the government of the Navy, are recommended for revision. The papers marked K and L contain the estimates for the Navy and Marine Corps: those marked M, N, O, are lists of deaths, dismissals, and resignations.

The annual report on the Navy Pension and Hospital Funds, &c. will be presented at the usual time.

The act of Congress authorizing the establishment of the Board of Navy Commissioners, appears to have been designed to provide auxiliaries to the Secretary of the Navy in the discharge of the ministerial duties of the De-

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partment. This body was required to be selected from amongst the most experienced of the Naval commanders, to whom a knowledge of those duties was presumed to be familiar, and by whom they might be expected to be most correctly discharged.

The subjects placed under the superintendence of the Board, by this distribution of the duties of the Department, are numerous, and of almost unlimited variety.

It may be justly questioned, whether the present organization of this body is such as to secure the necessary attention to the diversified subjects placed under its direction, and whether a judicious division of its duties would not facilitate the proper execution of the objects proposed by the institution of this branch of the Department.

Respectful reference is made to a communication from the Navy Board, in answer to inquiries having relation to this subject, herewith transmitted, marked P.

The present Naval Corps of the United States is believed to be more numerous than is required for the wants of the service, and more than can be advantageously employed, with reference to their own advancement in the knowledge and practice of their profession.

"There can be no national establishment," says a distinguished Naval character, "like that of the Navy of the United States, which will not, in the course of years, receive into its ranks some who are illy calculated to uphold its character, much less to contribute thereto by their talents and subordination."

"There may exist, also, some who, when received into the service, were calculated to become its ornaments, but who may, through various concurring causes, have degenerated into a reproach. Happily for this institution, the Government retains in its hands the corrective for any defects in the corps."

"It is now twenty-eight years since a judicious pruning was given to the Navy; a period sufficient to admit some useless suckers to repose under the shade of its virtues and its valor. The time would, therefore, seem to have arrived to correct some of the evils of the service by a peace establishment; and which it would go far to effect, by ridding it of the useless and insubordinate portion of its materials. The remainder would be preserved in more correct views of the service, and their management become more easy to the Executive Department."

If, in pruning these excrescences from the too luxuriant growth of the Navy, some branches should be lopped off, which, in their day, have borne good fruit, let it be remembered that the Navy pension fund, with its ample stores, is open for their sustenance and support; and, it may be added, that the Navy Asylum on the Schuylkill, is now so near its completion as to promise at an early day to afford a permanent and comfortable residence to its disabled founders, and to such as, though not disabled, may have merited, by their bravery, or long and faithful services, the gratitude of their country.

All which is respectfully submitted.

JOHN BRANCH.

REPORT OF THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
24th November, 1828.

To the President of the United States:

SIR: I have the honor to submit the following report of the state of this Department:

The General Post Office was established July 26, 1775. There was then but one line of posts, extending from Falmouth, in New England, to Savannah, in Georgia; and the Postmaster General was authorized to establish such cross post roads as he should think proper.

In October, 1782, the Postmaster General was required,

by act of Congress, to cause the mail to be carried once a week to all the post offices; and, by the same act, he was authorized to make provision for the transmission of newspapers by mail.

When the Federal Government was organized under the present Constitution, in 1789, the Post Office establishment was revised and perpetuated. There were then, and to the close of 1790, only seventy-five Post Offices in the United States: and the extent of Post Roads in the United States amounted to 1,875 miles. Now, the number of Post Offices is eight thousand and four, and the Post Roads amount to 115,000 miles.

The first line of mail coaches in the United States was established in pursuance of an act of Congress, passed September 7, 1785, extending from Portsmouth, in New Hampshire, to Savannah, in Georgia. The transportation of the mail, in coaches, amounts, at this time, to 6,507,818 miles in one year, and from the first of January next, it will be increased to 6,785,810 miles. The whole yearly transportation of the mail, in coaches, sulkies, and on horseback, amounts to about 13,700,000 miles.

The whole amount of postages (the only source of revenue to the Department) from 1789 to July 1, 1829, was

\$26,441,496

The whole expenses of the Department, during the same period, were as follow:

Compensation to Postmasters	7,329,925
Incidental expenses	896,967
Transportation of the mail	16,052,513
	<u>24,779,405</u>

Leaving an aggregate amount of revenue of 1,662,091
The revenue of the Department is accounted for, as follows:

Amount of the several payments into the Treasury, from 1789 to 1828,	1,103,063
Amount of the losses in the transmission of moneys during the same period	17,348
Balance, as exhibited on the Books of the Department, on the 1st of July, 1829,	541,680
	<u>1,662,091</u>

From this statement, it appears that the Department has always been sustained by its own resources, and that no money has, at any time, been drawn from the Treasury for the transportation of the mails: but that it has contributed to the revenue of the Government.

The sums paid into the Treasury, by the different Postmasters-General, are as follows:

By Timothy Pickering, from December, 1793, to March, 1795,	47,499
By Joseph Habersham, from June, 1795, to September, 1801,	363,310
By Gideon Granger, from December, 1801, to December, 1813	291,572
By Return J. Meigs, from March, 1814, to June, 1823	387,209
By John McLean, from July, 1823, to December, 1828	13,466

Making together, the foregoing sum of 1,103,063

The balance, of 541,680, exhibited by the books of this Department, on the 1st of July, 1829, covers all the balances due from Postmasters and others, of every description, which have been accumulating for forty years, including those of the most doubtful, and many of a desperate character. The Report of the late Postmaster-General exhibited a balance of 332,105 10, as the amount of available funds at the disposition of the Department, on the 1st of July, 1828. The amount exhibited by the books of the Department on that day, is 616,394; from which it appears that the sum of 284,289, of old balances,

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was estimated to be either desperate, or of so uncertain a character, as that no reliance could be had upon any part of it: and it is believed, from examination, that this estimate did not essentially vary from what will prove to have been the actual amount of losses from 1789 to 1828:

To the above amount of	\$284,289
Must be added this sum, due for postages prior to July 1, 1828, which is since found to be desperate	22,235
Counterfeit money found on hand,	\$2,634
Notes of broken Banks	1,672
	4,306

Making, together, the total amount of losses by bad debts and bad money	310,830
Which sum, deducted from the abovementioned balance of	541,680

Leaves the actual balance, on the 1st of July, 1829, \$230,850

The fractions in this statement being omitted.

The amount of moneys on hand, and due from Postmasters, including judgments obtained on old accounts, was reported by the late Postmaster General to be, on the 1st day of July, 1827, \$370,033 37

He also reported an excess of expenditures beyond the amount of receipts for the year ending the 1st of July, 1828, of 37,928 27

Leaving a balance of moneys on hand, and due from Postmasters, including judgments obtained on old accounts, on the 1st of July, 1828, of \$332,105 10

The amount of postages from July 1, 1828, to July 1, 1829, is found to be \$1,707,418 42

The expenditures of the Department for the same period, are as follows:

Compensation to Postmasters	\$559,237 28
Transportation of the Mail	1,153,646 21
Incidental expenses	69,249 08
	1,782,132 57

Shewing, in the amount of expenditures from July 1, 1828, to July 1, 1829, an excess beyond the amount of revenue, admitting that every cent of postage of the last year shall be collected, of \$74,714 15

Add amount of bad debts, as before mentioned	\$22,235 50
And amount of bad money	4,306 38
	26,541 88
	\$101,256 03

Leaving the true balance of available funds at the disposal of the Department, on the 1st of July, 1829, provided no farther losses shall be sustained in the collection, viz:

Cash in deposit	\$136,448 86
Balances due from Postmasters and others	94,400 21
	\$230,849 07

It appears, therefore, that the funds of the Department suffered a diminution, from July 1, 1828, to July 1, 1829, of \$101,256 03.

In this result, all the collections made of former debts, as well as all losses ascertained within the year, are comprehended.

The expense for transporting the mail, by reason of the increased facilities contracted for, before the commencement of the present year, from January 1 to July 1, 1829 exceeded the expense for transportation during the corresponding period of the preceding year, \$67,333: and the expenditures of the Department for the same period, being the first half the current year, had there been no increase of postages, would have exceeded its revenue 68,681, equal to \$137,362, for the year. The actual excess of expenditure, however, owing to the increase of revenue for the half year ending July 1, 1829, amounts to but \$49,778 55.

When I entered upon the duties of the Department, on the 6th April last, I found the contracts had been made, and the responsibilities of the Department incurred, for the whole of the current year, and from one to four years in prospect, in the most expensive sections of the country. It appeared necessary, therefore, to direct the energies of the Department principally to the great object of sustaining its operations, in the engagements which it had already contracted, by its own resources. This could be effected only by enforcing a strict observance of the law on the part of Postmasters, in preventing, so far as practicable, all abuses, and in accounting, regularly and promptly, for all the moneys coming into their hands; by guarding against all further increase of expense, except in cases absolutely demanded by the public interest; and by instituting such checks and responsibilities in the mode of transacting the business of the Department, as to secure, more effectually, a proper application of its funds, and to prevent, in all cases, a diversion of any part of them from their legitimate objects.

To correct abuses in the privilege of franking, which had prevailed to a considerable extent, and to prevent others, which were beginning to show themselves, it was thought expedient to issue a circular to Postmasters, calling their special attention to the subject, and enjoining renewed vigilance and energy on their part. This circular, bearing date the 18th of May last, has not been without its effect. The postages accounted for by Postmasters are accumulating in an increased ratio, which promises advantageous results. The proceeds of postages for the quarter ending June 30, 1829, exceed the amount for the corresponding quarter of 1828, by \$30,376 59. The accounts for the quarter ending the 30th of September last, are not all examined, but so far as the examination has proceeded, it promises a proportionate increase.

The contracts for transporting the mail in the States of Indiana, Illinois, Missouri, Tennessee, Alabama, Mississippi, and Louisiana, and the Territory of Arkansas, constituting one section, will expire with the current year. The rapid increase of population and of business in those sections of country required considerable improvements in the frequency, the celerity, and the mode of transporting the mail on the leading routes, for which provision has been made in the renewal of the contracts.

The mail communication between New Orleans and the Seat of the General Government, by way of Mobile and Montgomery, in Alabama, and Augusta, in Georgia, will, from the commencement of the ensuing year, be effected three times a week, affording comfortable conveyances for travellers, and the whole trip performed in the period of two weeks, each way, through the capitals of Virginia, North Carolina, South Carolina, and Georgia.

Lines of four-horse post coaches will also be established, from the first day of January next, to run three times a week, both ways, between Nashville and Memphis, in

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Tennessee. This improvement was deemed important to keep a regular and certain intercourse between the Western States and New Orleans—Memphis being a point on the Mississippi to which steamboats can come at all seasons of the year: it being contemplated to extend this line to New Orleans by steamboats, so soon as the means of the Department will justify, and the public interest shall require it. To give greater utility to this improvement, a weekly line of coaches will also be established at the same time, from Florence, in Alabama, (where it will connect with the line from Huntsville,) to Bolivar, in Tennessee, at which point it will form a junction with the line from Nashville to Memphis.

Such improvements are also provided in the transportation of the mail through Indiana, Illinois, and Missouri, as that the lines of stages three times a week between Louisville, in Kentucky, and St. Louis, in Missouri, will connect the correspondence and the travelling in a period of two days less than the time now occupied; and continue the line to Fayette, beyond the centre of Missouri, within the same time which is now allowed for reaching St. Louis. A weekly line of stages will also go into operation on the first of January next, from Fayette to Independence, near the western boundary of that State.

These, with other improvements provided for by the contracts which have just been made, will add 277,992 miles to the annual transportation of the mail in stages.

Notwithstanding the increased expense which these additional services would require, the new contracts have been made, including all the improvements, for \$19,195 37 per annum less than the sum paid under the expiring contracts for the transportation of the mail in that section. The advantageous terms of these contracts will effect a saving to the Department of about twenty-five per cent. in proportion to the services to be performed.

On entering the Department, my attention was, at an early day, drawn to the manner in which its funds were received and disbursed. Circumstances transpired at the very threshold of this inquiry, which indicated a looseness and irresponsibility entirely incompatible with that system which ought to characterize every branch of the public service. Moneys had been advanced to different persons contrary to law; and persons in the immediate employment of the Department, who receive stipulated salaries, defined and appropriated by law, had received moneys in advance from the funds of the Department, beyond the allowances so provided, and which had not been appropriated. There stands at this day, on the books of the Department, a balance of \$2,164 16, for moneys formerly advanced out of the funds of the Department beyond the compensation provided by law, to different officers and clerks who had been employed, but who have left the service: the greater part of which will probably never be collected. A considerable number of accounts stand open against other individuals for moneys advanced, some of whom are now unknown to the Department. An act of Congress of April 21, 1806, appropriated \$6,400 for repairing the road from Athens on the route to New Orleans, and \$6,000 for the road between Nashville and Natchez, to be expended under the direction of the President, who designated the Postmaster General to carry the law into effect. The moneys appropriated were mingled with the general funds of the Department, out of which the expenses of the road were defrayed; and there are now standing on the books of the office, a balance of \$1,405 67 against the first, and against the other of these roads a balance of \$1,946 65, making together the sum of \$3,352 32, on account of moneys advanced by the Department, and for which it is still accountable as so much money in hand, though these accounts originated twenty-three years since. These facts evinced a radical defect in the system of financial operations of the Department.

It appeared that all the funds of the Department were

received and disbursed by one of the Assistants, while the Postmaster General was held responsible in law, for their proper application. The Assistant had it in his power at all times to withdraw, or furnish, for the use of others, the funds of the Department, to a large amount, without the knowledge of its head or of any other person attached to it. There was no check upon any such transactions, nor any thing connected with the system calculated to bring them to light. The Assistant made deposits of part of the funds in different banks, subject to his individual checks; and retained a part in his own hands, but to what amount is not shewn by any document or record in the Department. On the change of the system, there was found in an iron coffer, in his possession, the sum of \$19,876 89, consisting of \$19 94 in specie, and \$19,857 94 in bank notes, certificates, and checks. Of this sum \$2,633 76 were found to be counterfeit, and \$1,672 62 were in notes of broken banks, and of no value. A part of the remainder is of very doubtful character. Such as was not ascertained to be good, has been sent to the different States from which it issued, for the purpose of determining its value, and rendering it available; but what proportion of it will be found worthless or depreciated is not yet learned.

The necessity of an entire change in the mode of conducting this business was most obvious.

Directions have been given, that the money appropriated by law for the payment of salaries shall never be united with the funds of the Department, but that it shall be drawn by an agent appointed for that purpose, and applied directly to the object for which it is appropriated; so that the persons receiving it shall have no accounts opened on the books of the Department. This will effectually prevent advances and over payments, on that head, in future.

It was important to devise a system by which no moneys should be received, or disbursed in any manner come within the control of any one individual; but that all moneys should be paid into the Department by certificates of deposit in banks, and that nothing could be drawn from such deposits, not even by the head of the Department, without the signature of two distinct officers of the Department, each acting independently of the other, and both certifying to the correctness of the act. Also, that the transfer of moneys from Postmasters to Contractors should be subject to the same guard, and require, in like manner, the investigation and signature of two distinct officers of the Department. It was likewise necessary that the system should embrace a rule which should require Postmasters to account promptly for the proceeds of their offices, and prevent an accumulation of postage in their hands. This has been done; and it is believed that the moneys of this Department are now as effectually protected as those of any other Department in the Government.

The observance of the system which has been adopted, will require additional labor, but it is deemed essential to the security and prosperity of this Department.

I have the honor to be, with great regard, your obedient servant,

W. T. BARRY.

REPORT OF THE CHIEF ENGINEER.

ENGINEER DEPARTMENT,
Washington, 18th November, 1829.

Hon. JOHN H. EATON, Secretary of War.

SIR: In obedience to your instructions of the 12th September, I have the honor to report the progress of all the operations under the Engineer Department during the year ending the 30th September 1829, and to present an estimate of the funds which will be required for their prosecution during the ensuing year. This report is also accompanied by two statements, marked A and B, of which the first is an exhibit of the fiscal concerns of

the department during the past year, showing the amount of funds appropriated for each work, the amount drawn from the Treasury and remitted to the disbursing officers, and the amount of accounts rendered and settled within the same period : the second statement shows the fortifications not yet commenced, for which plans have been prepared, arranged in the order in which it is recommended that the works be commenced.

The operations under this department, during the year, have been as follows :

I. FORTIFICATIONS.

1. *Sea wall for the protection of George's Island, Boston Harbor, Massachusetts.*—This work, the object of which is to preserve an important site for one of the defences of Boston Harbor, has been completed, and a small balance of the appropriation remains unexpended, which the agent has been instructed to retain in his hands, in order to apply it, if necessary, in the Spring, to the repair of any injury which the masonry may sustain in consequence of the violent storms to which that part of the coast is liable in the Winter as well as to give additional strength to those parts of the construction which may be found to require it.

2. *Fort Adams, Newport, Rhode Island.*—The progress of operations on this work has been as great as the amount of the appropriation for the year would permit ; the funds have been applied in the most efficient manner, and the materials and workmanship are of an excellent character. An abundant supply of materials is obtained from Rhode Island and the neighboring States.

3. *Fort Hamilton, New Utrecht Point, New York.*—The materials used in the construction of this work, are chiefly obtained from the Southern part of the State of New York ; the supply is abundant, and the quality, both of materials and workmanship, very good ; the progress made in the construction has been such that the completion of the work may be expected during the next year, and the estimate is founded on that expectation.

4. *Repairs of Fort Lafayette, Narrows, New York.*—Some difficulty was experienced in obtaining a sufficient number of workmen to carry on these repairs at the same time with the construction of Fort Hamilton, owing partly also to the unhealthiness of the situation during the Summer, which deters workmen who can find advantageous employment elsewhere. Notwithstanding these disadvantages, much work has been done, and the repairs will probably be completed this Winter, or early in the Spring ; the funds available are ample for this purpose.

5. *Repairs of Fort Delaware, Delaware River.*—A considerable part of the working season had elapsed, before an officer became disposable for this work ; and that circumstance, combined with the sickness which prevailed at Fort Delaware during the Summer, has prevented the completion of the repairs this season, but they will be in a great measure finished by the close of the year. The work consists principally of repairs to the embankments and wharves, necessary for the protection of the island, and for the service of the garrison.

6. *Fort Monroe, Old Point Comfort, Virginia.*—The masonry of the body of this work is nearly completed, and would have been closed, but for a failure in the supply of freestone, owing to the death of the person who had engaged to furnish it ; 60,000 cubic yards of earth have been placed in the embankments, which will be nearly completed to the extent at present contemplated, during the ensuing Winter. In order that the masonry of the revetments may have time to consolidate before it is subjected to great pressure, occasioned by embankments of sand, it is proposed to raise these embankments at present, only to the level of the terre plein which is to receive the upper tier of guns, leaving for a future time the formation of the parapet to

cover that tier. The amount estimated for the next year, is therefore intended to be applied principally to constructing the outworks on the front of attack.

7. *Fort Calhoun, Hampton Roads, Virginia.*—The extent of operations on this work has corresponded with what was contemplated at the beginning of the season.

No contracts have been made for the supplies of materials, during the past year, at the works in Hampton Roads, but they have been obtained by purchase in open market ; the supplies have been, except in the article of freestone before mentioned, very abundant, and of superior quality ; they have been obtained principally from the country bordering on the waters of the Chesapeake.

8. *Fort Macon, Beaufort, North Carolina.*—The progress of operations on this work has not been so great as was expected, owing, as the superintending engineer represents, to difficulties which have arisen in procuring a sufficient supply of bricks of a suitable quality ; and this being the chief material used in the construction, the work has been necessarily retarded. It is hoped that arrangements will soon be made to obviate any further difficulty on this subject.

9. *Fort at Oak Island, North Carolina.*—During the past year, the construction of this work has been continued in a satisfactory manner, and a great portion of its masonry is now completed.

10. *Fortifications in Charleston Harbor, South Carolina.*—As contemplated at the time of my last annual report, an officer of engineers was assigned last Winter to the Charleston station ; he has been, as yet, chiefly occupied with the preparatory arrangements for the construction of a fort on the shoal opposite to Fort Moultrie. The work has been traced out, and preparations made at Fort Johnson, on James's Island, for receiving materials and quartering the persons to be employed. A contract has been made for the delivery of 30,000 tons of stone for the foundation of the new fort, and active operations will be forthwith commenced.

As Castle Pinckney enters into the system of defences projected for Charleston Harbor, the Superintending Engineer has been instructed to put it in a state of thorough repair, agreeably to a project approved by the Department. The cost of the repairs will be about 10,000 dollars. In addition to the funds now available for Fortifications in Charleston Harbor, the sum of 25,000 dollars is estimated for, in order to enable the Superintending Engineer to take advantage of all the facilities that may be presented by transient vessels, for obtaining a further supply of stone on the most reasonable terms.

11. *Fort on Cockspur Island, Savannah River, Georgia.*—The operations on this work have also been chiefly of a preparatory nature, such as an examination of the site, laying out the work, the construction of the wharves and temporary quarters, and the excavation of a short canal to facilitate the delivery of materials. The small sum required for the next year, is to be applied to the purchase of the site ; which could not be concluded, for want of the special authority required by law in such cases.

12. *Fort at Santa Rosa Island, Pensacola Bay, Florida.*—For the same reason which delayed the commencement of operations on the two last mentioned works, viz : the want of disposable officers, a considerable time elapsed, after the appropriation for this fort was made, before the officer charged with its construction could repair to his post. Preparatory arrangements were commenced in November last ; and in June, the excavations were begun. Since that time, the work has been prosecuted with great activity, and to the entire satisfaction of the department. The estimate for the service of this work, during the ensuing year, is rather greater than usual : the reasons for which are, that, as a general rule, the construction of such works can be carried on with more economy

when circumstances will permit of its being done in a short period; and in case of works on our Southern frontier, such is the mildness of the climate, that, where the site is sufficiently healthy, the operations are uninterrupted during the year, and the facilities for applying a large sum are consequently very great. In addition to this consideration, it is also urged that, in justice to the officers and other persons employed on the construction of these works, they should be completed as rapidly as possible; for, even in situations comparatively healthy, many of them, being necessarily not inured to the climate, contract diseases which, if not fatal, produce an effect on their constitutions which may never be removed. The loss of valuable lives, which the corps cannot cease to regret, bears testimony to the truth of this remark; and affords the strongest argument in support of the principle proposed to be adopted.

13. *Fort at Mobile Point, Alabama.*—The memoir explanatory of the progress of this work, during the past year, has not yet been received; but, on reference to the annual statement, it appears that the funds advanced have been applied agreeably to the project offered at the commencement of the year.

14. *Tower at Bayou Dupré, Louisiana.*—A contract has been made for the construction of this work, which is now in progress, under the direction of an officer of engineers, and will probably be completed during the ensuing Winter.

15. *Fort Jackson, Plaquemine Bend, Louisiana.*—At the date of my last annual report, it was supposed that no additional appropriation would be required for the completion of this work, and consequently none was made for the year 1829. The following extracts from the annual memoir of the Superintending Engineer, will explain the causes which have defeated this expectation, and made it necessary to ask for the further sum introduced into the estimate for next year.

"Many causes have tended to lead me from a correct estimate, particularly in the article of bricks. They have varied in size, from 64 to 76 cubic inches; and, of these different sizes, millions have been received from year to year. No correct idea was therefore formed of the total number required, as has proved to be the case; nor could a uniformity in size have been secured, owing to the inequality of shrinkage of the clay of which they are made. At all the Northern Atlantic ports, from whence they are drawn, the size of the mould was made uniform; this, however, did not secure the desired result.

"Another cause was the impracticability of ascertaining the number of this material remaining on hand, at any particular period—the quantities always exceeding millions, did not justify the expense of counting them. Another fruitful source of error, has been the vast difference in bulk between the soil when first taken from the ditches, or its natural position, and after it had completely dried, when its bulk is very materially reduced; added to which is the settling of some inches of the whole mass of the embankments, owing to the compressibility of the soil beneath, in a ratio nearly equal to the shrinking of the earth excavated. Various other causes have tended to retard the progress of this work, as detailed from time to time in the monthly reports, and made its cost exceed any sum I had supposed requisite. Hence, then, the necessity for the present estimated amount. The inconvenience and increased expense of suspending works of this description from time to time, together with the impracticability of giving orders for the manufacture of materials, until after the appropriations are made, has been so repeatedly made known to your Department, as to make further mention of this subject unnecessary."

I would here respectfully call your attention more particularly to the last paragraph just quoted from the memoir of the Superintending Engineer at Fort Jackson,

and represent the importance of early appropriations, in securing the most efficient and economical application of the funds for public works. This remark applies with peculiar force to the works situated in the Southern region of our country, where the Winter season, the most favorable, and, in some instances, the only one in which the work of construction can be carried on, is frequently lost, in consequence of the appropriations being made at a late period of the session of Congress. To obviate this inconvenience, as far as practicable, this year, with regard to Fort Jackson, it was suggested that a portion of the contingent fund for fortifications should be applied to the service of that work, that the engineer might make immediate engagements for the purchase and delivery of materials during the Winter; but the idea was abandoned in consequence of the opinion of the President, that such an application of the fund was unauthorized by law, and that it would be better to defer the completion of the fort for another year.

16. *Repairs and Contingencies of Fortifications.*—About one-third only of this appropriation has been drawn from the Treasury; that sum has been applied chiefly to the payment of a small arrearage due at Fort Delaware; to repairs at Fort Columbus, New York; Fort M'Henry and Fort Washington, Maryland; and Fort Moultrie, South Carolina; to the completion of a cistern at Fort Monroe; to the service of fortifications on the Gulf of Mexico; to defraying expenses of the Board of Engineers for fortifications; and the expenses incidental to a resolution of the Senate, relative to the examination of certain sites for an armory on the Western Waters.

II. CIVIL CONSTRUCTIONS.

1. *Pier at La Plaisance Bay, Michigan Territory.*—The construction of this pier was completed on the 30th September, with the exception of a part of the planking, which will be finished as soon as the materials can be obtained from the mills.

2. *Huron River, Ohio.*—One of the piers intended to form a channel at the entrance of this river, has been extended to the length contemplated, and the other requires an addition of 150 yards of pier work to complete it. A small additional sum is required for planking and raising these piers in some parts, where the action of the current has caused them to settle.

3. *Black River, Ohio.*—As stated in the last annual Report, the works for removing the sand bar at the entrance of this river, were commenced in the Autumn of 1828, since which time satisfactory progress has been made in their construction.

4. *Cleveland Harbor, Ohio.*—To the length of the piers forming the entrance of this harbor, 262 yards have been added during the past year; the sum stated in the estimate will complete the work.

5. *Grand River, Ohio.*—No funds having been appropriated this year for the works at the mouth of Grand River, a further sum is now asked for to complete them; the progress of the construction, during the last year, has been as great as the means would permit—270 yards having been added to the length of the piers. The beneficial effects resulting from the works, as stated in my last annual report, continue to be felt.

6. *Cunningham's Creek, Ohio.*—The pier at the mouth of this creek was nearly finished on the 30th of September, and will be completed this year.

7. *Ashtabula Creek, Ohio.*—The construction of piers at the entrance of this creek having been completed, a safe harbor has been formed, and the required depth over the bar, mentioned in my last annual report, will be obtained by means of a dredging machine now in operation.

Coneaut Creek, Ohio.—The construction of piers at the entrance of this creek, for which the first appropriation was made at the last session of Congress, was commenced

ed during the Summer, and has been successfully continued.

9. *Presque Isle Bay, Pennsylvania.*—The works forming the harbor of Erie have been completed, and the operation is attended with complete success in forming a spacious and commodious anchorage for the largest class of vessels navigating Lake Erie. Over the bar, which had formerly but one and a half feet of water, seven feet may be now carried, even at a lower stage of water than is usual in the lake, and the effect of closing the breach in the peninsula, which has been done this year, will no doubt be to improve the entrance still more.

10. *Dunkirk Harbor, New York.*—The pier constructed as a breakwater to secure this harbor is found to have the desired effect. A small sum is introduced into the estimate in order to enable the engineer to complete the planking of the pier, which would suffer injury from being left in its present unfinished state.

11. *Buffalo Harbor, New York.*—The balance remaining from the appropriation of 1828, has been advantageously applied during this year; and, to complete the improvement of the harbor, a further sum is now required, as stated in the general estimate. The importance of this harbor to the commerce and navigation of Lake Erie is considered such as fully to justify the expense incurred in making it safe and easy of access.

12. *Black Rock Harbor, New York.*—The object of the appropriation made at the last session of Congress for improving the entrance to this important harbor, which forms the Western termination of the Erie Canal, has been in a great measure accomplished by the erection of suitable works, of a substantial character. For the completion of the works which have been thus commenced, the additional sum, stated in the general estimate, which falls below the original estimate of their cost, is required; and with a view to the further security of the harbor, agreeably to the plan originally contemplated, the expediency of asking for an appropriation to construct a mole on the Eastern side of the entrance, is respectfully submitted.

13. *Genessee River, New York.* The construction

14. *Big Sodus Bay, New York.* § of piers for the improvement of these two harbors was commenced during the last Summer, under the direction of one agent, and has been continued in an approved manner as far as the funds appropriated have availed. By the close of this year about one fifth of the work at each place will have been finished.

15. *Oswego Harbor, New York.*—The calm season on Lake Ontario has been too short to enable the contractor to complete the piers at the entrance of this harbor, and the work has also sustained some damage by storms, which it was necessary to repair. An inspection of the works in this harbor was made last year by the Officer of Engineers, who surveyed the several harbors on Lake Ontario, and he recommended the construction of a pier head as requisite for their security. The estimate for next year embraces, therefore, three items; the first for indemnifying the contractor for damages sustained in storms; the second for completing the piers; the third for the pier head; which is submitted for approval. Oswego Harbor is the outlet of a Canal which connects Lake Ontario with the Erie Canal of New York, and is therefore an important point in the navigation of the Lake.

16. *Sackett's Harbor, New York.*—The operations for the improvement of this harbor were placed, in the Spring of this year, under charge of the Assistant Quartermaster at that post, and are now conducted under the direction of the Quartermaster General.

17. *Lovejoy's Narrows, Kennebec River, Maine.*—The obstructions to the navigation of this river at the Narrows, consisted of two masses of rock, called the "Half-

tide Rock" and the "Sunken Rock," for the removal of which, contracts were made last Winter. That for deepening the water on the "Sunken Rock," the smaller of the two obstructions, has been accomplished, but the Agent has informed me that the Contractor will abandon the "Half-tide Rock," being convinced that he cannot, without loss, comply with his engagements. As the work is one concerning which no person in the vicinity had any experience, but one offer was made for the contract, and for the same reason no penal bond was required of the Contractor. To effect the object of removing these obstructions, a further appropriation is therefore required.

18. *Harbor of Saco, Maine.*—One of the piers for the improvement of this harbor remains to be constructed, and one of those completed will require some repairs, in consequence of injury it received from storms. It is believed that the funds now available will be sufficient for these purposes, and that the works will have the desired effect of protecting the harbor.

19. *Kennebunk River, Maine.*—The pier at the entrance of this river has been completed, except a small part of the sheathing, which could not be done before the close of the working season, but will be finished early in the Spring.

20. *Berwick Branch of Piscataqua River, Maine.*—The operations for improving the navigation of this river, near Berwick, have been conducted with intelligence and success, during the year past, and it is believed that the funds available will be sufficient to complete the removal of the obstructions so as to afford a navigation of six feet water at mid tide, which will effect the object for which the appropriation was granted.

21. *Merrimack River, Massachusetts.*—The construction of works at the mouth of this river, for improving the harbor of Newburyport, was commenced last Spring, materials for the purpose having been prepared during the preceding Winter. These works differ from those on the Lakes in the material circumstance of being constructed in tide water, and hence the project was considered in a great measure experimental. It is not surprising, therefore, that the experiment should not have been at first attended with complete success. A portion of the mole across the lateral channel has been undermined, and swept away by the tide. Measures have been taken to repair the injury sustained; in consequence of which, an additional appropriation will be required for the completion of the work agreeably to the original design.

22. *Deer Island, Boston Harbor, Massachusetts.*—Satisfactory progress has been made during the past year in the construction of the sea wall for the preservation of that island. As before remarked, with respect to George's Island, the works in Boston Harbor are liable to injury, whilst incomplete, from the effects of violent storms. Such a one occurred on the 31st of last month, and the action of the Sea displaced a part of the upper courses of stone on the more exposed part of the wall, the replacing of which will cause an expense of \$1,200 or \$1,500.

23. *Plymouth Beach, Massachusetts.*—The expenditures on the work for the preservation of this beach have, for two years past, been very small; about \$500 having been applied to keeping them in repair; and it is desirable to have a small sum disposable, to be used in checking the encroachments of the sea, until, by the effect of natural causes, constantly operating, the work shall have acquired complete permanency.

24. *Provincetown Harbor, Massachusetts.*—The appropriation for the preservation of the point of land forming this harbor was first made in 1826, and reverted last year to the surplus fund, in consequence of the want of success which attended the endeavors of the Department to procure a local agent for directing the works, and the

same cause has still prevented the application of the fund which was re-appropriated at the last session of Congress.

25. *Hyannis Harbor, Massachusetts.*—The construction of the Breakwater for the protection of this harbor has been continued during the year, and a small balance of funds is still in the hands of the agent, to be applied, next Spring, to the same object.

26. *Nantucket Harbor, Massachusetts.*—In order to try the experiment of opening a deeper channel over the bar at the entrance of this harbor, a dredging machine, with the necessary apparatus, was purchased last Spring, and advantage has been taken of all the favorable weather which has since occurred, for using it. The agent reports that the channel already excavated remains open, and that he has no doubts of a satisfactory result from the continuance of the operations.

27. *Edgartown Harbor, Massachusetts.*—An appropriation was made last Spring for extending the pier on which the light-house at the entrance of this harbor is built, and the object has been accomplished in a satisfactory manner.

28. *Warren River, Rhode Island.*—The erection of a pier and beacon on Allen's Rocks, in this river, has been effected. The work is done in a substantial manner, and the expense has fallen a little short of the sum appropriated for the object.

29. *Stonington Harbor, Connecticut.*—The construction of a Breakwater for the improvement of this harbor has been well conducted, and, from the protection which the work, even in its present unfinished state, is represented to have afforded during the last equinoctial gales, the best results are anticipated from its completion.

30. *Mill River, Connecticut.*—A portion of the funds appropriated for the formation of a harbor at the mouth of this river, and for improving its navigation, have been applied, during the last season, to the construction of a Breakwater, and the balance will probably suffice to effect what remains to be done next Spring, to complete the projected works.

31. 32. 33. *Marcus Hook, Fort Mifflin, Port Penn, Pennsylvania.*

34. *New Castle, Delaware.*

The Annual Report of the officer who superintends the construction of these places has not been received, but from his monthly reports of progress, it is concluded that the piers in the Delaware, at the several points, are very nearly, if not quite finished; some further funds may be required for deepening the harbors around them.

35. *Ocracoke Inlet, North Carolina.*—The operations, under the acts appropriating funds for the removal of the shoals that obstruct the navigation of this inlet, have been as yet confined to the construction and preparation of the necessary machinery. The Superintending Engineer at Fort Macon, under whose directions this was commenced, being unable, on account of his distance from Ocracoke, to devote sufficient time to that object, without interfering with his other duties, the direction of the operations has been assigned to another Officer of Engineers, by whom they will be commenced on the completion of the machinery, which has been somewhat delayed by the failure of Contractors.

36. *Cape Fear River, North Carolina.*—To avoid, if possible, imposing new duties on the Superintending Engineer at Oak Island, it was at first proposed to place the operations for improving the navigation of this river under the direction of the State Authorities, but the Board of Internal Improvements of North Carolina having requested that a different course might be pursued, they were afterwards given in charge to the abovementioned officer, who has made suitable arrangements for carrying them on. The lateness of the season at which he was put in charge, and the unhealthiness of the river shores in the Summer, has prevented the accomplish-

ment of much work previously to the 30th September last.

37. *Inland passage between the St. Mary's River, Georgia, and St. John's River, Florida.*—The operations for improving this navigation have been satisfactorily carried on during the last season, and it is expected that, by the middle of December, they will be completed as far as the available funds will suffice for that object. The additional sum estimated for is intended to cover the expense of superintendence and other contingencies.

38. *St. Mark's River, Florida.*—For want of a suitable Agent to conduct the work for improving the navigation of this river, nothing has yet been done towards that object.

39. *Apalachicola River, Florida.*—On the 3d of September, the Agent assigned to superintend the improvement of the navigation of this river reported, that, in consequence of the high stage of the water throughout the Summer, he had been unable to operate, but expected to do so during the months of October or November. He also states that the good effects of the work done last year have been sensibly felt in the navigation.

40. *Bay of Mobile.*

41. *Pass au Heron.*

42. *Pascagoula River.*

The operation for deepening these several channels of navigation are, for want of a sufficient number of officers, all placed under the charge of the Engineer who superintends the construction of a Fort at Mobile Point; the last is alone sufficient to occupy him very fully, and time has, therefore, been wanting for him to prepare his Annual Reports up to the 30th of September, and transmit them to this Department. It is known, however, that a dredging machine has been in operation on each channel for some time past.

43. *Red River, Louisiana and Arkansas.*—Under the direction of the commanding Engineer on the Gulf of Mexico, a careful examination of the part of this river, which includes the Raft, was made last Summer, and a project proposed for improving its navigation. An officer of Infantry has been since detailed, to take charge of the operations for that purpose, which will be carried on this Winter.

44. *Mississippi River.*—To conduct the operations for improving the navigation of this river, with more effect, the superintendent, Captain Henry Shreve, was authorized to construct a steamboat of such strength, and furnished with such apparatus, as can be applied to the removal of snags. This boat having been completed, and put in operation, has, according to the superintendent's report, fully answered the purpose. By means of its machinery, a snag or sawyer of the largest dimensions is removed in a few minutes; and it is expected that the continuance of the operations will go very far to effect the important and highly desirable object of freeing the navigation of the Mississippi from those dangerous impediments.

45. *Ohio River.*—The operations for improving the navigation of this river have been this year confined to deepening the channel through the "Grand Chain," near its mouth: the charge of them was entrusted to the superintendent on the Mississippi river. On the 24th of September, the boats and machinery for this purpose were in readiness to take advantage of the first low stage of water in the river to commence operations.

46. *Repairs of the Cumberland Road, between Cumberland and Wheeling.*—The superintendent appointed to direct this work was instructed to adopt the MacAdam system of road making, and to apply the funds to repairing the worst parts of the road; the sum appropriated being entirely inadequate to effect a complete repair of it. With respect to the manner in which these instructions have been complied with, information is expected in a few days from an officer of Engineers, who is now

engaged in making an inspection of the road, unless he should be prevented by snow from performing the duty assigned him.

47. *Road from Canton to Zanesville*.—and 48. *Road westwardly from Zanesville, in Ohio*.—The report of operations on these roads, up to the 30th of September, not having been received, no exact statement can here be made of the work done; but it is known that travelling has been admitted on the road, as far as Zanesville, and that the construction of 26 miles, Westwardly from that place, extending to the crossing of the Ohio canal, has been contracted for, and is in progress.

49. *Road through Indiana*.—Under a literal construction of the law for opening this part of the national road, two commissioners were appointed to superintend it, and contracts were made, agreeably to their instructions, for cutting off and removing the timber, and cutting down the banks, so as to form as good a road as circumstances would admit of. Subsequently, however, finding that the expense of this work would absorb but a small part of the funds appropriated, the superintendents were authorized to provide for grubbing the trees from the central part of the road, which will be accordingly done. Contracts were made for opening the road entirely across the State of Indiana, and will probably be completed this Winter.

50. *Roads from Detroit to Chicago, Michigan Territory*. The contracts made on this road, together with the portion finished previously to this year, will effect, by the close of this year, the completion of 64 miles of the road, commencing at Detroit.

51. *Road from Detroit to Fort Gratiot, Michigan Territory*.—Of this road, seventeen miles have been put under contract, a considerable portion of it completed, and the remainder in a state of forwardness.

52. *Road from Detroit to Saganaw, Michigan Territory*. The construction of fifteen miles and a quarter of this road has been contracted for, and is in progress.

53. *Road from Detroit to Maumee*.—On the 1st of October, this road was finished, except a few sections, which were to be completed by the 15th of the present month.

III.—SURVEYS UNDER SPECIAL ACTS AND RESOLUTIONS OF CONGRESS.

Of the surveys enumerated under this head, as in progress at the time of my last Annual Report, all have been completed, and were reported to Congress last year, except the survey of the Wabash river, and the examination of sites for an armory on the Western waters, on which a report will be made this Winter.

Those ordered at the last session of Congress, are—

1. Survey of the ship channel of Penobscot river, Maine, from Whitehead to Bangor, and ascertaining the cost of improving the navigation of the same, and proper sites for spindles and buoys.

2. Survey of the Cochico branch of Piscataqua river, New Hampshire, from Dover Falls to its confluence with the Piscataqua, for the purpose of ascertaining the practicability of removing obstructions to navigation, and the cost.

3. Survey of North river, between Scituate and Marshfield, Massachusetts, to ascertain the expediency of removing obstructions at the mouth of the same, and to make an estimate of cost.

4. Survey of the piers erected at Sandy Bay, Massachusetts, to report the condition of the same, and what works are necessary to make a good and safe harbor at that place, together with an estimate of the cost.

5. Survey of the harbor of Bass river, between Yarmouth and Dennis, Massachusetts, to ascertain the practicability and expense of improving the said harbor.

6. Survey of the river Thames, Connecticut, with a

view to improve the navigation of the same, and estimating the cost of such improvement.

7. Survey of the harbor of West Brook, near the mouth of Connecticut river, Connecticut, with a view to the improvement of said harbor, and for ascertaining the cost of such improvement.

8. Survey of the harbor of Norwalk, Connecticut, with a view to its improvement.

9. Survey of the harbor of Stamford, Connecticut, with a view to its improvement.

10. Survey of the bars at the mouth of Sag Harbor, New York, to ascertain the best method of preventing the harbor being filled up with sand, and the cost of the same.

11. Survey of Flat Beach, alias Tucker's Island, New Jersey, with a view to preserve the anchorage of the port, and to report an estimate of the cost of such improvements as may be necessary to effect those objects.

12. Survey of Deep Creek, a branch of the South branch of Elizabeth river, Virginia, for the purpose of improving the navigation of the same, and an estimate of the cost.

13. Survey of Pascotank river, North Carolina, for removing bars and obstructions in the same, and an estimate of cost.

14. Survey of the harbor of St. Augustine, and the bar at or near the entrance of the same, with a view to remove the latter, and to render the access to the harbor safe at all times, and to make an estimate of the cost of accomplishing that object.

15. Survey of the water tract between Lake Pontchartrain and Mobile Bay, with a view to the erection of light-houses, and placing buoys.

16. Survey of the passes at the mouth of the Mississippi river, with a view to the improvement of the navigation, and building light-houses and buoys.

17. Survey of the entrance of the river Teche, with a view to improve and shorten the navigation of the same, and an estimate of the cost of such improvement.

18. Survey of certain sites on the Ohio river, to ascertain the practicability of erecting bridges over said river.

These surveys have been made; and the reports, some of which have been already received, will be presented as soon as practicable.

19. The surveys for continuing the location of the national road to the seat of Government of Missouri, have been diligently prosecuted this season. At the date of my last Annual Report, the location had been effected as far as Vandalia: since that time, experimental surveys have been made from Vandalia, through St. Louis, along the South side of the Missouri, to Jefferson; thence, in returning, along the North side of the Missouri, back to Vandalia, which place the commissioners expected to reach about the 25th of October. In the course of this Winter, therefore, such a report may be expected, as will afford the means of deciding on the most advantageous route for the road, beyond Vandalia.

IV.—SURVEYS UNDER THE ACT OF THE 30TH APRIL, 1824.

The operations under this head, during the year past, in addition to those reported to Congress at its last session, have been as follows:

1. Preparing copies of various maps required by the Commissioners for settling the Northeast Boundary of the United States. Maine.

2. Surveys, with a view to connect the waters of Lake Champlain with those of the Connecticut river, by the valleys of Onion and Wills' rivers. Vermont.

3. Survey, with a view to unite the Connecticut and Pemigewasset by the valley of the Oliverian. New Hampshire.

Sigs. and H. of Rers.]

Documents accompanying the President's Message.

[21st Cong. 1st Sess.]

4. Survey of a canal route from Taunton to Weymouth, Massachusetts.

5. Survey of a route for a railroad from Catskill to Ithaca, New York.

6. Survey to connect the Pennsylvania and Ohio Canal by the valleys of the Big Beaver and Mahoning, Pennsylvania and Ohio.

7. Survey of the Alleghany river from French Creek to Pittsburgh, Pennsylvania.

8. Surveys for the location of a canal round the Muscle and Colbert Shoals, in the Tennessee river, Alabama.

9. Surveys for the location of a rail road from Charleston to Hamburg, South Carolina.

10. Preparation of a Map of Pensacola Bay, Florida.

11. Survey of the country between the Tennessee and Altamaha rivers, and preparation of a report on the same, Georgia and Tennessee.

12. Surveys of Licking and Green rivers, in Kentucky, with a view to improve their navigation, Kentucky.

13. Surveys, with a view to connect the waters of Lakes Erie and Michigan with those of the Ohio and Illinois rivers, Indiana.

14. Survey of a canal route to connect the waters of Lake Michigan with those of the Illinois river, Illinois.

15. Surveys of the Des Moines and Rock River Rapids, in the Mississippi river, Illinois.

16. Survey and examination of the concerns of the Louisville and Portland Canal, made at the request of the Secretary of the Treasury, Kentucky.

17. The aid previously afforded by the Department to the Baltimore and Ohio Rail Road Company has been continued during the year, Maryland.

The necessity of withdrawing some of the officers from the duties in which they were engaged, for the purpose of making the surveys enumerated in the preceding class, has prevented the completion of some of the reports on those of this class, which would otherwise have been rendered.

Pursuant to your instructions, the sum appropriated for surveys at the last session of Congress has been applied exclusively to the expenses under that head for the current year; and it therefore becomes necessary to present a special estimate for the payment of arrearages due for services performed in 1828, principally on surveys in Virginia, South Carolina, and Georgia; and for the rent of a topographical office in Georgetown, in 1826, '27, and '28.

V.—THE BOARD OF INTERNAL IMPROVEMENT

Has been occupied this year in completing the report on the Florida Canal, which was presented to Congress at its last session; in preparing a project for a Canal between Buzzard's and Barnstable Bays, which is finished; and in drawing up instructions for some of the before-mentioned surveys. One member has been also engaged, in connexion with commissioners appointed by the President, in completing the project for a Breakwater at the entrance of Delaware Bay, and, as a member of the Board of Engineers for Fortifications, in preparing plans for the defence of Pensacola Bay.

VI.—THE MILITARY ACADEMY.

The report of the Board of Visitors, a copy of which is herewith presented, and my personal inspections, combine to give perfect satisfaction as to the management of this valuable institution, and its gradual amelioration. In consequence of the representations of the Superintendent, and the suggestions of the Boards of Visitors, in 1828 and 1829, I have added to the usual estimates, an item to cover the expenses of constructing a building for military and other exercises in bad weather and during the Winter; for constructing a military laboratory necessary for the course of artillery instruction; and also a

small additional sum for completing the hospital; which will, I hope, meet with your approbation.

VII.—OFFICE OF THE CHIEF ENGINEER.

Under an order of the Senate, a contract has been made by this Department, for engraving the map which accompanied the report of the Florida Canal. A part of the impression ordered will be ready for distribution by the 1st of December.

In consequence of the great increase of the business of this Department, which an inspection of the annual reports for several years past exhibits, two additional Clerks are necessary for the prompt and efficient discharge of the duties of this office. An estimate for their salary is therefore submitted. From the same considerations have also resulted the frequent representations that have been made by the Chief Engineer, of the necessity of increasing the number of officers, by whom the operations entrusted to this Department are conducted. On this subject, I shall have the honor to present to you a special report.

All of which is respectfully submitted, by

Sir, your most obedient servant,

C. GRATIOT,
Brig. Gen. Chief Engineer.

REPORT OF THE NAVY COMMISSIONERS

Copy of a letter from the Secretary of the Navy to the Board of Commissioners of the Navy, dated

NAVY DEPARTMENT, Novem. 13, 1829.

From the reflection I have been able to bestow upon the present organization of the Navy Department, I incline to the opinion that it is susceptible of improvement, particularly in its fiscal branch, its forms of administration, and the distribution of its duties.

Should further inquiry confirm this opinion, it will be proper for me to submit an improved system, for the consideration of the President, and, with this view, I wish to avail myself of your information and experience.

I request, therefore, that you will lay before me your opinion whether the present organization of the Department may not be improved, and, if so, how? with such observations as may appear to you to belong to the occasion.

NAVY COMMISSIONERS' OFFICE, 23d Novem. 1829.

SIR: The Navy Commissioners have had the honor of receiving your letter of the 13th instant, requiring of them to lay before you, their opinion of the present organization of the Navy Department—"whether it may not be improved, and, if so, how? with such observations as may appear to them to belong to the occasion."

The duties of the Navy Department are various and complicated: so much so, indeed, that no one individual, however gifted, would be competent even to their general superintendence.

We may be assisted, in forming judicious conclusions, by classing these duties under general heads, and considering them in their separate distinct nature; and by referring to the practices which have obtained in the administration of them, since the first organization of the Department.

The general heads by which these duties are distinguished, and under which they may be classed, are:

1st. Administrative or Executive.

2d. Ministerial.

3d. Financial.

Those of an administrative character consist, essentially, in dispensing the various offices created by law, issuing orders and instructions to officers for service; employing the national marine; convening courts martial;

and generally in seeing that the laws in relation to the Navy are duly and faithfully executed. In discharging these high functions, consultations with the President of the United States become necessary; the officer vested with these responsible trusts is the medium through which the President makes known his will to the Navy.

Those of a *ministerial* character: such as the construction, building, and equipment of vessels of war; their armament; their classification; the procurement of naval stores and materials; the preservation of ships in ordinary; the construction of docks, arsenals, ship-houses, store houses, timber sheds, sheers, shops, &c.; the victualling and clothing of the Navy; and which involve the necessity of having experienced professional men to perform them.

Those of a *fiscal* character, which embrace the expenditures of the service, in all its numerous branches, and under all its various heads of appropriation. This branch of the Department requires, in the performance of its ordinary duties, a thorough knowledge of accounts, and of all the laws and regulations of the service in any way affecting its expenditures; and it would be greatly improved by a practical knowledge as to all the various stores, munitions, and materials, essential in the different departments of the service.

The duties which relate to the execution of the laws; in reference to sick and disabled seamen, discharged from the service; the apportionment of pensions; the necessary regulations for the government and support of Hospitals; the Naval Asylum, &c.; have been assigned by law to special Boards, consisting of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War.

The office of Secretary of the Navy was established in the year 1798. He was charged with the multifarious duties, here classed under the administrative and ministerial heads; and an Accountant of the Navy was charged with the fiscal duties, subject to the revision of the Treasury.

Under this arrangement, although the Navy, at that time, had not attained one-fourth of its present magnitude, it was found that these duties were burdensome in the extreme; and although it was very generally admitted that the Secretary of the Navy was remarkable for his capacity and industry, and that the office of Accountant was well filled, yet, it is known that the duties were very imperfectly performed—unavoidably so; and that the public interest greatly suffered. This rose from a multitude of mixed duties, pressing upon each other, each requiring to be done at one and the same time.

While the Department continued thus organized, great losses of treasure and of time were not unfrequently occasioned by a single order; among other instances, one might be cited, in which it became absolutely necessary to expend upwards of \$60,000, to correct an error in the structure and internal arrangements of a ship—an error arising solely from the absence of *professional* knowledge.

Cases of this kind, with other considerations, contributed, no doubt, to the existing modification, which assigns all the *ministerial* duties to a Board of Navy Commissioners, leaving a general superintending direction to the Secretary of the Navy.

By a subsequent law, Congress abolished the office of Accountant of the Navy, and created that of Fourth Auditor, as a substitute, attaching it to the Treasury, and subjecting its statements to the strict revision of a Comptroller.

Prior to the act of Congress, of 3d March, 1809, (An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments,) it was the practice in the office of Accountant of the Navy so to keep the accounts of the Navy, as to show the cost of *objects*—the building of a ship for in-

stance—but that law declares that money warrants shall be charged to the specific appropriation under which the money is to be disbursed. This produced a change in the form of keeping the accounts; *objects* are lost sight of, and *specific appropriations* seem to claim exclusive attention.

The act of 1809 declares that all money warrants "shall specify the particular appropriation or appropriations to which the same shall be charged," and that the moneys paid in virtue of such warrants shall "be charged to such appropriation or appropriations;" that "the sums appropriated by law, for each branch of expenditure, shall be *solely* applied to the objects for which they are respectively appropriated, and to no other." But it authorized the President, on the application of the Secretary, to direct "that a portion of the moneys appropriated for a particular branch of expenditure, be applied to another branch of expenditure in the same Department."

Thus, under the law of 1809, the President might transfer from any one appropriation to another; but this authority of the President was, by act of 1st May, 1820, confined to three appropriations, viz: "Provisions, Medicines and Hospital Stores;" repairs of vessels; so that, from none of the other appropriations, can a transfer be made.

Is the existing organization susceptible of any improvement; and, if any, what?

The administrative or executive branch of the Department, of which the Secretary of the Navy is the immediate chief, needs not, it is presumed, the interposition of law, to render it more efficient. It is not improbable, however, that improvements might be introduced in the arrangement of its detail duties, which would have a tendency to secure more prompt information upon various subjects, that would greatly aid the Secretary in the discharge of his duties. The books of his office should show the extent of the means at his disposal, and the state and condition of every branch of the service; that he may be prepared not only to act upon all subjects claiming his personal attention, but to answer any call from the President, or from Congress, without delay.

The duties assigned to the Board of Navy Commissioners are far too extensive to be committed to the management of any one individual; yet one individual, acting without consultation, and trusting entirely to his own resources, could certainly perform more of any particular business than two or three could perform: for instance, a special report, of importance to the interests of the Navy, is called for; an individual, having no one to consult in making such report, might probably prepare it in a few hours; but when associated with two other individuals, each possessing the same rights, each charged with the same duty, each equally responsible, consultation becomes indispensable; disagreement in opinion may exist; argument on both sides is adduced; and finally, the decision is made; but not, possibly, till one, two, or more days, shall have elapsed. The decision, when thus made, will probably be more correct, than if it had been made by one member; yet, it is very obvious, that the consumption of time would be much greater in the one case than the other.

But there are many, very many, cases of too much importance to the national interest to be committed to any one person, however eminent in his profession, however extensive his experience. These cases involve *principles*, essentially bearing upon the vital interests of the Navy; where an erroneous decision might seriously affect the efficiency of our vessels of war, or occasion great and unnecessary expenditures of money; numerous cases might be cited, in which it would be certainly unwise to trust the decision to any one person.

The decision of a fundamental principle is one thing; the carrying that principle into effect is another; the lat-

ter duty may be safely trusted, where it would be highly dangerous to confide the former. The function of designing the dimensions and form of a ship, her armament, her out-board and in-board works, her masting, sparring, &c. &c. requires, in its performance, the exertion of the highest professional attainments; and when the designs shall be matured, and distinctly indicated by drawings, models, and instructions, their execution, involving the minutest details, requires vigilant and laborious attention, to see them faithfully executed in all their parts.

From these premises, we are led to infer, that, in the present organization of the Board of Navy Commissioners, defects exist; that they consist, essentially, in grouping together too great a variety of duties to be performed in the best manner by the Board itself, collectively, acting upon each case; but which might be subdivided, so that each member, giving particular attention to the branch confided to him, might perform his own part in the most satisfactory manner.

We have seen, that, as now organized, the Board of Commissioners is charged, to speak in general terms,

1st. With the building, repair, and equipment of our vessels of war.

2d. With the construction of docks, arsenals, store-houses, wharves, &c.

3d. With the victualling and clothing of the Navy.

Under these three general heads, the duties of the Board may be classed; but it may be useful to present a brief view of the detailed duties arising under each head.

The building, repair, and equipment of vessels of war, involve, 1st. The designs as to their forms; their length, breadth of beam, depth of hold: their internal arrangements; the sizes and position of their masts, and the manner of making them; the dimensions of their spars; the quantity and dimensions of their rigging; their sails; their armament, including the form, size, weights, and calibre of their guns; their small arms of every description, powder, ball, &c.; their gun carriages; the sizes of their timbers, with the length and thicknesses of their planks; their boats; their chain cables, &c. &c. and such a classification of the whole, that every article of equipment, belonging to any vessel of a particular class, shall answer for every other vessel of the same class. 2dly. The procurement, by contract or otherwise, of all the various materials and munitions, necessary to build and equip them, agreeably to the designs. 3dly. The operative part, which combines all these materials, and renders the ships complete in their construction; their numerous internal arrangements, and their equipment generally.

In the repairing of ships, whilst it involves most of the duties to be performed in building them, imposes other duties, not included in building. The state of the ship to be repaired, is one, and this can only be done by a thorough examination of all her parts; inspecting all her stores, remedying deficiencies that may be found in her structure, introducing improvements that may have been suggested by experience, &c. are other duties.

The numerous estimates, and the voluminous correspondence, indispensable in discharging the duties arising under this head, with the mass of other business connected with them, would give full employment to any one individual, however competent. We mean for the *superintendence* of any one individual: for no man living could, in his own person, go through the drudgery of all its details. He would require several subordinates, which we will presently consider.

2d. *The construction of docks, arsenals, store houses, and general attention to Navy Yards.* Under this head, numerous and important duties arise; the planning of all the various improvements; the procurement, by contract or otherwise, of all the materials required in making them; the regulation of labor appertaining to this branch,

and the preservation of stores; supervising the various factories of anchors, chain cables, blocks, cambooses; the procurement, preservation, and distribution of books, maps, charts, chronometers, and other nautical instruments; stationary, fuel, and candles, &c. are among these duties. Any one individual, to give them that vigilant, careful attention, which the faithful performance of them would require, would find constant employment: several subordinates would be essentially necessary in discharging these duties.

3dly. *The victualling and clothing of the Navy.* Under this head, the duties are numerous; the quantity of the various articles forming the rations, the quantity of slop clothing, medicines, and Hospital stores, required for the several ships and squadrons in service, and the several stations on shore, must be ascertained and procured, by contract or otherwise, and transported to the ships and stations needing them; the ordering of surveys when necessary, upon any of the articles belonging to his department; the receiving of surveys ordered by the commanding officers of squadrons; the regulation of labor appertaining to this particular branch; the preservation of its stores, and issuing the necessary instructions, will form a mass of business, abundantly sufficient to occupy the time of any individual. Subordinates in this, as in the other branches, would be indispensably necessary.

Under these three general heads, the *present* duties of the Board might be classed; each member taking the superintendence of one; each carrying into effect the designs and decisions of the whole; each responsible for the execution of such designs and decisions.

As now organized, each member of the Board has to give his attention to all the duties arising under the previously recited heads; and it is out of the question to suppose that any one can give that careful attention which the public interests at all times require. The mind of man is not so constituted as to be able to embrace, digest, and thoroughly understand, such an infinite variety of subjects; many of them pressing for decision at one and the same moment; many of them being complex in their nature, and requiring great research, calculation, and consideration, to enable even the most experienced and intelligent to comprehend them so far as to be able to pronounce a satisfactory opinion upon them.

To general principles, and to new principles and improvements, each member might give such attention, as would, with his professional experience, enable him to meet others in discussion, and assist in forming the best possible conclusions. The Board, enlightened by the observations of each of its members, thus prepared for the examination of any question arising, might reasonably be expected to decide judiciously; while each member would proceed to execute the particular part assigned to him, with all the advantages afforded by a general consultation. A spirit of emulation would naturally arise among all the members; each would be ambitious to excel in the discharge of his appropriate duties; and the happiest results might be confidently anticipated, and felt, in the precision, despatch, intelligence, and economy, which, it is to be hoped, would distinguish each branch.

The necessity, 1st of a Board to decide upon general principles, and upon all new principles and improvements: 2d. Of a subdivision of duties, to be executed in conformity with the decisions of the Board, is deemed to have been sufficiently illustrated and established by the preceding remarks. We will now, sir, attempt an arrangement of the duties of the Board, and of its branches, upon the most efficient and economical basis.

The Board, to perform the general duties reserved to it, as a Board, will require a Secretary and a Copying Clerk; a Secretary to keep a journal of all its proceedings; stating the times of meeting; the objects; the

decisions, whether they relate to the introduction of a new principle, improvement in the mode of building, equipping, or repairing of ships, improvement or alteration in any of the buildings, docks, wharves, sheers, factories, &c. in the Navy Yards, changes in manner of putting up, procuring, or preserving provisions, and other supplies, with the reasons, at large, for such decisions, and the results of all the experiments in all the various branches of service : Also, to draw up, under the direction of the Navy Commissioners, when convened as a Board, all reports of a general nature, relating to the duties of this branch of the Navy Department ; to give to each member of the Board a copy of any of the decisions of the Board, affecting his branch of duties, and to aid, as far as may be in his power, the chief of each branch in the execution of his duties. He would have the special charge of all papers and communications, suggesting improvement in any branch of the service, or relating to any discoveries at sea, having a tendency to improve the science of navigation. He would, also, be charged with the safe-keeping of all journals describing coasts and harbors, and of all reports showing the properties of our ships, their best trim of sailing, &c. To assist in the performance of these various services a copying clerk would be required.

Whenever required by the Secretary of the Navy, or by either of the members, the Board would convene, and proceed to decide upon the questions presented for consideration. It would also have stated meetings, as the public service might render necessary. In particular, it would convene, at some stated time, to receive, from the Secretary of the Navy, the determination of the Executive, as to the number and classes of ships intended to be kept in service during the ensuing year, and their stations, that they might proceed and prepare the estimates for the service, with a full understanding of the will of the Executive upon the subject.

The building, repairing, and equipping department would require, besides its chief, a Naval architect and a draftsman, an ordnance officer, three able clerks, and one copying clerk.

A naval architect would be required in supervising the building and repairing of ships, and in devising drafts, models, moulds, &c. and a draftsman would have, as at present, full employment in making the various drafts, which are very numerous, extending, as they do, to all parts of a ship, their armament, gun carriages, &c. &c.

An ordnance officer is essential to the inspection and proving of all guns, arms, and ammunition, and making returns, showing their state and condition.

A first clerk, to assist the correspondence, examine all money requisitions, keeping accurate accounts thereof ; to assist in preparing the annual estimates ; to have the charge of all papers connected with money requisitions, or relating to experiments made in this branch of service.

A second clerk and assistant, to keep an account of all the stores coming under the cognizance of their chief ; of all labor employed in his department ; to receive all returns and pay rolls, showing the cost of new ships, the repairs of old ships, the state of contracts, &c. keeping accurate accounts thereof ; to file all offers for contracts ; prepare scales, showing the various bids ; to draw up, under the direction of their chief, all contracts and agreements ; to file all letters relating to the duties with which they are charged, and keep them so arranged, that reference may, at any time, be had to them, without delay, and to do such other business as may be required of them.

A fourth clerk, to keep the letter books, and do such copying and other business as may be required of him.

Other officers would act under the directions of the chief of this branch. Officers to attend particularly to

the preservation of ships in ordinary, and carry into effect instructions upon that important subject. Timber masters, to inspect, measure, and receive, all timber, keeping special accounts thereof, showing when it was received, when cut, when immersed in water, when placed under cover, when and for what vessel used, &c. always taking care that the best seasoned timber shall be first used. Surveyors (to be selected from the officers of the yard) to take special accounts of all the stores of a vessel about to be received in ordinary ; to have all their stores, their rigging, their sails, boats, &c. minutely examined, and their state and condition accurately reported, that such disposition may be made of them as the public interest may require.

The Department of Docks, Navy Yards, &c. would require, besides its chief, a civil engineer, two able clerks, and one copying clerk.

A civil engineer, in the construction of docks, wharves, arsenals, &c. is obviously required.

A first clerk, to assist in the correspondence, examine all money requisitions, keeping accounts thereof : to assist in preparing the general estimates ; to prepare all signal books for distribution, keeping precise accounts, showing to whom signals were issued, charging such persons with them, and holding them specially accountable therefor, on their return from a cruise, or on leaving the ship they may have commanded ; and to have the charge of all papers relating to experiments in this branch of the service.

The second clerk to keep accounts of all stores ; all returns, as to the cost of docks, arsenals, sheers, &c. ; the employment of labor attached to this branch ; the state of contracts, keeping accounts thereof ; to file all offers for supplies, and to prepare scales as to the bids to furnish them ; to draw up, under the direction of his chief, all contracts and agreements, to file all letters and papers, not specially assigned to any other clerk, and keep them so arranged that reference may, at any time, be had to them without delay ; and to do such other business as his chief may require of him.

A copying clerk, to keep the letter-books, and do such copying and other business as may be required of him.

Other officers would act under the special direction of the chief of this branch. He would, for instance, require a special officer to take charge of all the nautical instruments, books, and charts, not on board of ship, to keep them in order, for use, when required. Among other duties, he would be required to attend particularly to the time pieces, or chronometers, to ascertain precisely their character, such as their rate of deviation from true time, whether they are affected by changes of weather, &c. &c. for the information of those who may have to use them at sea. The character of each chronometer, thus ascertained, should be delivered to the officer receiving the chronometer itself.

The victualling and clothing department would require, besides its chief, a surgeon, as medical assistant ; two able clerks, and one copying clerk.

The surgeon would be required to assist in procuring medicine and hospital stores, and surgical instruments, and in distributing them as the service may require. It would be his duty to examine all accounts for medicines, &c. and all requisitions for money to pay such accounts.

A first clerk, to assist in the correspondence ; examine all money requisitions, (other than those assigned to the surgeon) keeping accounts thereof ; to assist in preparing the general estimates ; to draw up all contracts and charter parties, under the direction of his chief ; and to keep all papers connected with experiments in this branch of the service.

A second clerk, to keep an account of all provisions and slop clothing procured for the service ; where deposited ; from whom obtained ; the prices of each article ;

[S. and H. of Reps.]

Documents accompanying the President's Message.

[21st Cong. 1st Sess.]

to whom delivered for use; receiving, examining, and filing all returns, showing the various issues, the quantities left on hand, surveys, &c.; to file all offers for supplies, and scale them for decision; keep all the papers connected with such supplies; the state of each and every station, as to supplies; all the shipments made, &c. &c.; and to do all such other business as may be required of him.

A copying clerk, to keep the letter books, and do such other copying as may be required of him.

Other officers would also be required to act, under the immediate direction of the Chief of this branch: for instance, officers to inspect provisions and slop clothing; to hold surveys upon them; to attend particularly to all shipments, and guard against all impositions in the quality and condition of articles delivered under contracts, &c.

It will be seen that this arrangement proposes, that money requisitions shall pass the special examination of the branch under which they are to be expended; the reason is obvious: that branch will possess precise knowledge upon the subject, and will be enabled to decide promptly and correctly whether the requisition should be approved or not: for instance, should money be required under the head of "Repairs," the requisition would be sent to the officer having charge of "the building, repairing, and equipping department," who would cause it to be examined minutely, and, if found correct, he would approve it, and submit it in that state to the Secretary of the Navy, who would cause a warrant for the amount to be issued, and placed in the hands of the disbursing agent, to be applied by him in conformity with his instructions; thus, in its incipency, using every precaution to ensure its faithful application and expenditure.

But, with these precautions, which would, unquestionably, greatly improve the existing practice, we should still be uncertain as to the application of money, according to instructions, none but the officer giving the instructions can decide, to a certainty, whether the moneys are expended according to those instructions; and this he ascertains by comparing the one with the other on his records. It is, moreover, to be presumed, that his professional knowledge, which enables him to judge correctly as to the kind, quality, quantity, and prices of the articles required in the department of the service specially committed to him, would be of particular value in the examination of all accounts originating in expenditures directed by himself. This admitted, it results, that every account of expenditure should be examined and approved by the officer having the superintendency of the branch which approved the money requisitions, and from which the instructions for its expenditure were issued. Accounts, thus examined and certified, might be sent to the Fourth Auditor of the Treasury, and there undergo such further examination, as to their calculations, as would ensure their correctness. Such an arrangement would impose auditorial duties upon each branch of the Department, and, in that case, additional clerks would be required, viz: two for the first mentioned branch, and one for each of the others.

Under such an arrangement, disbursing agents, residing in the United States, might be required to forward their accounts weekly; that is, to send, at the termination of every week, their vouchers for disbursements during that week. Upon being received, they would be immediately examined, and, if found correct, the amount would be passed to their credit, and they would be so informed; if incorrect, the error would be corrected; while all the circumstances are fresh in the memory of all parties. This course would be attended with advantages both to the Government and to the individuals concerned, to whom the prompt settlement of accounts should always be desirable; and it is not perceived that it would occasion much, if any, additional trouble to either party. It would require the constant and vigilant attention of both; and

these are duties which every public agent should be desirous of rendering.

Disbursing agents, out of the United States, should be required to take quadruple vouchers for their expenditures, so as to enable them to send two in each case, by as many different vessels, and retain two in case of accidents. They should then be required to forward one set of their accounts by the first opportunity, and another set by the next earliest; we should thus, much earlier than at present, possess a knowledge of the foreign accounts of the Department.

With regard to the principle upon which Navy appropriations are made by Congress, and the forms and rules observed in their administration, by the Department, it is hoped that a reference to the communication which the Commissioners had the honor of submitting on the 31st March last, will repay for the trouble of making it. There are numerous facts exhibited in that communication, which will assist us in forming satisfactory conclusions. But it may be sufficient, on this occasion, to select from among them, the following, viz:

The returns of one of the disbursing agents, exhibited *Balances* on hand \$69,761 58

Overpayments; that is, expenditures exceeding the sums remitted, under certain specific heads of appropriation 69,230 13

Actual balance of money in his hands \$531 45

The returns of another disbursing agent, shewed *Balances* on hand \$103,248 33

Overpayments 92,259 41

Actual balance of moneys in his hands \$10,988 92

One of the agents, having upwards of thirty thousand dollars in his hands, belonging to, and remitted to him out of the appropriation for "Gradual Increase," applied the amount to the payment of accounts arising under five other distinct heads of appropriation, viz: Sloops of War, Navy Yards, Five Schooners, Contingent prior to 1824, and Contingent for 1826.

The principle which confines the application of Navy appropriations to the particular objects for which they are made, or which, in other phrase, declares that "the sums appropriated by law for each branch of expenditure, shall be solely applied to the objects for which they are respectively appropriated, and no other," has thus, in numerous instances, been violated in practice. The inquiries of the Commissioners lead them to believe that this has been done sometimes intentionally, as the least of two evils; at other times, unintentionally, arising from misapprehension on the part of disbursing agents and others, as to the proper head of appropriation to which disbursements should be charged.

The cases particularly cited are, principally, it is believed, of the former class. The agents were instructed, it is understood, to apply moneys in their hands, under certain heads, to the payment of accounts arising and due under other heads. Such accounts were, it is said, of such a nature, that payment of them could not be postponed without violating the public faith, to preserve which, it became necessary to violate the law.

Of the latter class cases are cited in our communication of the 31st March last, to which we beg leave to refer you.

The Commissioners not having been charged with the duty of adjusting and settling Navy accounts, can give no precise information respecting them; but the deep interest they take upon all subjects affecting the service in which they have the honor of holding commissions, has induced them, from time to time, to make inquiries, from which they are fully satisfied, that the intention of the

law of 1809, in its provisions as to the application of the specific appropriations, has never been carried into full effect, in any one year since its enactment. The theory of specific appropriations would seem to embrace exact and precise accountability; and this consideration, no doubt, had some weight in producing its adoption. But the test which has been applied, in the expenditure of millions of dollars, during the last twenty years, has certainly not confirmed the anticipations of its advocates.

The Commissioners will not say that it is utterly impracticable to carry this system literally into effect. If Congress were to make the appropriations sufficiently large to guard against every possible contingency, and to ensure an adequate amount under each head, to meet every possible expense arising under that head; and if all the agents were so thoroughly acquainted with their duties, as to be able at all times to decide correctly, as to the specific heads of appropriation to which each and all of the numerous articles required, should be charged; then, if the Department would take care to keep in the hands of all the disbursing agents a balance under each and every head of appropriation, so as to enable them promptly, and in good faith, to redeem all the public engagements at their respective agencies, a literal execution of the law might be expected. But would Congress make excessive appropriations? No enlightened friend of the Navy would make such a proposition. And experience fully shews, that disbursing agents, even those most accustomed to Navy business, will occasionally misapprehend instructions, and unintentionally pay accounts out of the wrong appropriation. And we would observe, that the absolute necessity of keeping balances in the hands of the agents under each appropriation, would make the aggregate of balances so large as to form a serious objection. In no case would it be expedient—in some cases it might be unsafe—to entrust such balances even to bonded agents: for they would generally far exceed the amount of their bonds.

The estimates, upon which the appropriations are founded, are prepared with all the care and accuracy of which the fallible judgment of man will admit. Yet, after all, they are but *estimates*; and until it shall be given to us, to foresee the events of futurity, the fluctuations in the markets of the world, and the casualties of the ocean, we shall never arrive at precise accuracy in our calculations, as to the expense of a Navy employed in every known sea, and experiencing the vicissitudes of every known climate. A degree of accuracy, sufficient for practical purposes, may be gained; and this is all that can be reasonably expected. Yet, even in this case, it will be found that some items in the estimate are too low, others too high; but take the whole together, and they may prove sufficient. The item of "Pay of the Navy," the expense of which may be approximated nearer than that of any other item of Naval expenditure, is liable to be affected in its amount by unforeseen contingencies. For instance, seamen's wages may rise, and it may become necessary to give them a *bounty* to induce them to enter into the public service. A few more seamen, or a few less, than the number estimated for, would produce a variation between the expenditures and the estimates.

Besides, it has not always been the pleasure of Congress to appropriate the whole amount of the estimates, which has frequently occasioned embarrassment; for instance, the estimate for "Repairs of vessels," for the year 1829, was curtailed in the appropriation \$75,000, and that for "Navy Yards," was reduced \$225,000. The reductions occasioned the suspension of important measures, contemplated when the estimates were made; the postponement of which must ultimately create additional expense.

But nearer views of the existing system of Naval appropriations may be required for its thorough comprehension. Let us see it in practice.

If a single dollar be taken, *intentionally* or *otherwise*, from one appropriation, and applied to another, it is a violation of law. Suppose a ship is about to be equipped for important service, and there should be large balances under all the appropriations excepting that for Ordnance, which is exhausted; under the law, however urgent the necessity, not a cent could be drawn from either of the redundant appropriations for the purchase of arms. It was surely never the intention of Congress, that a vessel of war should be sent to sea without being, in all respects, thoroughly prepared to defend the honor of her flag; yet, in the case supposed, she could not be properly prepared, without violating the law of appropriations. Similar embarrassments would arise from a deficiency in either of the appropriations from or to which transfers are forbidden. Thus, the law, in gaining an object of diminutive value, when contrasted with its main design, (*the employment of ships of war*,) would, if literally observed, defeat the intentions of Congress.

Towards the close of every year some of the specific appropriations are found to be deficient. The ships, probably, whose expenditures occasioned this deficiency, are abroad in distant seas. Bills are drawn upon the Government for their support, and under this very head of appropriation whose deficiency has just been discovered. These bills cannot be protested; they must be paid; and, under such circumstances, the Secretary of the Navy has generally directed them to be paid out of some of the redundant appropriations. Demands are made from other parts of the world, and by disbursing agents in the U. States, upon the same deficient appropriation, and moneys are remitted under other heads to enable them to meet pressing engagements. When the accounts of disbursing agents are received for settlement, if all the appropriations under which their disbursements have been made, should then be sufficient to enable the Auditor to settle them, it is done by *warrants of payment and repayment*; the former purporting to be warrants authorizing the payment, to the disbursing officer, of specific sums, corresponding, in their respective amounts, to his overpayments; the latter purporting to be drafts upon him, requiring him to pay into the Treasury certain unexpended balances in his hands, under those heads of appropriation where his expenditures were short of the remittances made to him. By these warrants not a cent is taken out of the Treasury or paid into it; the disbursing officer, in whose favor, or upon whom, they are drawn, is wholly ignorant of them. They result from a Treasury arrangement, and are said to be indispensably necessary in adjusting the accounts of the *appropriation*. If, however, any of the appropriations should be insufficient, so that these warrants of fictitious payment could not be drawn upon them, without showing that the expenditures under them had exceeded the sum total of the appropriation, then the accounts of the disbursing agents must remain unsettled. It is believed that there are numerous accounts precisely in this situation, at this time, that have been so for some years past, and that such accounts can never be settled without the interposition of Congress.

These complex, fictitious operations, in the settlement of Navy accounts, were unknown till the year 1809, and, until then, accounts could always be settled by the plain and simple rule of charging individuals with the amount of moneys placed in their hands for disbursement, and, crediting them with the amount of their disbursements when properly vouched. The law of 1809, requiring that accounts shall be kept so as to be charged to the *appropriations*, renders these operations necessary in their adjustment, while it has greatly multiplied the forms, and increased the labor, without any advantage that the Commissioners can perceive.

That all disbursing agents should be required to account, satisfactorily and promptly, for all the moneys plac-

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ed in their hands; that the forms of keeping, rendering, and settling their accounts, should be so plain and intelligible as to be clearly understood, not by able accountants only, but by every member of the community (for every member has an interest in them) are propositions which no one, it is presumed, will attempt to controvert. It has, we hope, been satisfactorily shewn, that the act of 1809 has not produced these effects; and a modification of that law, and of the act of the 1st May, 1820, heretofore recited, appear to be necessary in the accomplishment of results so desirable.

The Commissioners would recommend, that the accounts be kept so as to show the cost of building ships, of repairing them, their annual cost in the service, and the cost of every authorized object of improvement; that the estimates be made so specific as to be distinctly understood, so that every appropriation shall be made with a thorough understanding as to the amount required for each object; that the power of transferring them from one appropriation to another, as the exigencies of the service may render necessary, be committed to the President; that, at the commencement of every session of Congress, reports be made, shewing the expenditures of the year, and the various objects to which the moneys appropriated shall have been applied.

If these suggestions, and those heretofore presented in this communication, relatively to the organization of the different branches of the Department, and the duties appropriate to each branch, be approved, the Board would further respectfully recommend, that the appropriations for the Navy be, hereafter, made under the following general heads, viz:

For Pay and Subsistence of the Navy.

For building, repairing, and equipping vessels, including their wear and tear at sea, and ordnance, and ordnance stores.

For Navy Yards, Docks, Wharves, and all improvements therein.

For Provisions, Medicines, and Hospital Stores.

For Contingent Expenses, such as transportation, travelling expenses, the purchase of Books, Maps, Charts, Chronometers, Nautical Instruments, and other articles necessary for the service, and not specifically provided for.

This arrangement would leave the first item, viz: Pay and Subsistence of the Navy, under the immediate direction of the Secretary of the Navy; the second, third, and fourth items, would come under the immediate direction of the respective branches heretofore proposed; and the last item, viz: "Contingent Expenses," to be drawn upon by each, as such expenses should arise in each branch, until experience should inform us as to the probable amount required under each branch, when the appropriation might be divided into specific sums for each.

I have the honor to be, with great respect, sir,

Your most obedient serv't.

JOHN RODGERS.

HONORABLE JOHN BRANCH,
Secretary of the Navy.

ANNUAL TREASURY REPORT.

In obedience to the directions of the "Act supplementary to the Act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following Report:

1. Of the Public Revenue and Expenditures

The Receipts into the Treasury, from all sources of revenue, during the year 1827, were

22,966,363 96

The expenditures for the same year, including public debt, were,

22,656,764 04

The balance in the Treasury, on the 1st of January, 1828, was 6,668,286 10
The receipts from all sources, during the year 1828, were 24,789,463 61

Viz:

Customs 23,205,523 64
Lands (statement D) 1,018,308 75
Dividends on Bank Stock 455,000
Incidental Receipts (E) 110,631 22

Making an aggregate of 31,457,749 71

The expenditures of the year 1828, were (F) 25,485,213 99

Viz:

Civil, Diplomatic, and Miscellaneous 3,676,052 64
Military service, including fortifications, ordnance, Indian affairs, pensions, and arming the militia 5,719,956 06
Naval service, including the gradual increase and improvement of the Navy 3,925,867 13
Public Debt 12,163,438 07

Leaving a balance in the Treasury, on the 1st of January, 1829, of 5,972,435 81

The receipts into the Treasury, during the three first quarters of the present year, are estimated to have amounted to 19,437,230 98

Viz:

Customs 17,770,744 59
Lands (G) 972,059 33
Bank Dividends 490,000 00
Miscellaneous (H) 204,427 06
The receipts for the fourth quarter are estimated at 5,165,000 00

Making the total estimated receipts of the year 24,602,230 98

And, with the balance on the 1st of January, 1829, forming an aggregate of 30,574,666 79.

The expenditures for the three first quarters of the present year have amounted, by estimate, to (I) 18,919,114 05

Viz:

Civil, Diplomatic, and Miscellaneous 2,482,415 50
Military service, including fortifications, ordnance, Indian affairs, pensions, arming the militia, and internal improvements 5,155,256 44
Naval service, including the gradual improvement of the Navy 2,565,979 24
Public Debt 8,715,462 87

The expenditures for the fourth quarter, including 3,689,542 93, on account of the public debt, are estimated at 7,245,481 05

Making the total estimated expenditures of the year 26,164,595 10

Leaving in the Treasury, on the first of January, 1830, an estimated balance of 4,410,071 69
Of this balance, which includes the funds heretofore reported by this Department as not effective, there have

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been reserved, under the 4th section of the Sinking Fund Act of 1817, \$2,000,000, and the residue has been held to meet existing appropriations.

But, of those appropriations, it is estimated, on data recently furnished by the proper Departments—

1st. That there will be required, to complete the service of the year 1829, and of previous years, \$2,457,173 16, which sum will be expended in the year 1830.

2d. That the sum of \$862,251 84, will not be required for the service of those years, and may, therefore, be applied, without being re-appropriated, in aid of the service of the year 1830 ; as will be more fully stated when the estimates of the appropriations for that year are presented.

3d. That the sum of \$115,962 03 will be carried to the surplus fund, at the close of the present year, either because the objects for which it was appropriated are completed, or because those moneys will not be required for, or will no longer be applicable to them.

II. Of the Public Debt.

The total amount of the public debt of the United States, was, on the 1st of January, 1829,

58,406,418 05

Viz :

Funded debt 58,362,135 78

Consisting of

Six per cent. stocks 16,279,822 02

Five per cent. stocks, including \$7,000,000 subscribed to the Bank of the U. States 12,792,000 20

Four and a half per cent. stocks 15,994,064 11

Three per cent stock 13,296,249 45

Unfunded debt 44,282 27

Consisting of—

Registered debt, being claims registered prior to the year 1798, for services and supplies during the revolutionary war 28,965 91

Treasury notes, outstanding 9,261 27

Mississippi stock, outstanding 6,055 09

The payments made, and to be made, on account of the public debt, for the year 1829, amount to 12,405,005 80

Of this sum, there will have been paid for interest 2,563,994 25

And on account of principal 9,841,011 55

Leaving the total debt, on the 1st of January, 1830 48,565,406 50

Viz :

Funded debt, as per statement K 48,522,869 93

Unfunded debt, as per statement L 42,536 57

Of the sum applied to the payment of the public debt, in the year 1829, \$10,049,630 50 have accrued under the second section of the Sinking Fund Act of 1817 ; which completes the whole amount of that appropriation

up to the 1st of January, 1830 ; and \$2,355,375 30 have been derived under the 4th section of the act, from the surplus moneys in the Treasury.

The payments of the present year being applied exclusively to the redemption of the six per cent. stocks, there will remain the following stocks, redeemable according to the respective contracts :

In 1830—six per cents, 6,440,556 17
five per cents, 18,901 59
four and a half per cents, 1,539,336 16

On the 1st of January, 1831, and subject to the last payment of 1830. 18,901 59

Total redeemable in 1830 8,017,695 51

In 1831—(viz : on the 1st Jan. 1832)—
five per cents, 1,018,900 72
four and a half per cents. 5,000,000

Total amount in 1831 6,018,900 72

In 1832—four and a half per cents 5,000,000
On the 1st of Jan. 1833, four and a half per cents, 2,227,363 97

Total redeemable in 1832 7,227,363 97

In 1833—(viz. on the 1st Jan. 1834)—
four and a half per cents, 2,227,363 98

In 1834—(viz. on the 1st Jan. 1835)—
five per cents 4,735,296 30

Making together 28,226,620 48

Redeemable at the pleasure of the Government 20,296,249 45

Viz :

Five per cents. subscribed to the Bank of the United States 7,000,000
Three per cents, 13,296,249 45

Making a total of 48,522,869 93

From the above statement it is apparent, that the Sinking Fund, as hereafter estimated at \$11,500,000, for the year 1830, and subsequently at an average of \$12,000,000, can only be applied to the reimbursement of those stocks which are not redeemable at pleasure, as follows :

In 1830—to the payment of
principal 8,017,695 51
Interest 1,951,437 05

9,969,132 56

In 1831—to the payment of
principal 6,018,900 72
Interest, say 1,687,060 08

7,705,960 80

In 1832—to the payment of
principal 7,227,363 97
Interest, say 1,186,115 04

8,413,479 01

In 1833—to the payment of
principal 2,227,363 98
Interest, say 1,085,883 66

3,313,247 64

In 1834—to the payment of
principal 4,735,296 30
Interest, say 985,652 29

5,720,948 59

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The inconvenience to which the Treasury will be exposed by this cause, may be averted by redeeming the stock subscribed to the Bank of the United States, and authorizing the Commissioners of the Sinking Fund to purchase the three per cents, when, in their opinion, the terms on which such purchase can be made, will render it as favorable to the United States as the payment of other stocks, then redeemable. This stock is now quoted in the market at about 87½. An unlimited authority to redeem it, would, no doubt, somewhat enhance the price: but this effect would, in a great degree, be counteracted by the option to redeem other stocks. If, however, the revenues can, in the opinion of Congress, be more advantageously reduced, or otherwise disposed of, when the other stocks shall be redeemed, the payment of the three per cents may be postponed; subject to the operation of a small Sinking Fund, to be applied conditionally, viz: when the stock can be bought at a reasonable price, to be fixed by law. In such case it will be necessary to the full employment of the present Sinking Fund, to give the Commissioners power to purchase the five and four and a half per cents at their market price.

III. Of the Estimates of the Public Revenue and Expenditures for the year 1830.

The amount of duties on imports and tonnage, which accrued from the 1st of January to the 30th September, 1829, is estimated at \$21,821,500, being \$2,621,300, less than that which accrued in the corresponding period of the preceding year. This deficiency has arisen almost entirely in the 1st quarter of the present year, and was probably caused by the extensive importations which had been made in the early part of 1828, in anticipation of the increased duties. In the 2d and 3d quarters of the year, however, the importations have so augmented, that accruing duties secured in those quarters are but 49,300 dollars less than those secured in the second and third quarters of the preceding year. This improvement still continues, and there is reason to believe that the duties accruing in the fourth quarter will nearly equal those of the fourth quarter of last year. It is worthy of remark that the accruing revenue of the three first quarters of the year 1829, though so much below that of 1828, is only 270,200 less than that of the same period of the year 1827.

The debentures issued, during the three first quarters of 1829, were 3,059,060,25 which exceeds the amount issued during the corresponding period of the year 1828, by 96,475 70.

The amount of debentures outstanding on the 30th of September last, and chargeable upon the revenue of 1830, was \$1,111,136, exceeding, by \$65,992, the amount chargeable on the same day in 1828 on the revenue of 1829.

The value of domestic articles, exported from the United States, for the year ending on the 30th of September last, is estimated at \$55,800,000, being 5,130,331 more than the value of those exported during the same period, in the preceding year.

The amount of Custom House bonds in suit on the 30th of September last, was \$6,591,714 20, being \$1,967,435 45 more than on the same day in the preceding year. It may be observed, that the great increase of this item, for several years past, has arisen from the heavy failures in the China trade; in which series of bonds falling due from the same houses, commence in one year, and terminate in another.

From a view of all these facts and considerations, the receipts for the year 1830 are estimated at \$23,840,000.

Viz:

Customs	22,000,000
Lands	1,200,000
Bank Dividends	490,000

Incidental receipts, including arrears of internal duties, direct tax, and canal tolls 150,000
To which is to be added the balance estimated to be in the Treasury on the 1st of January, 1830 4,410,071 69

Making an aggregate of 28,250,071 69
The expenditures for 1830 are estimated at 23,755,526 67

Viz:

Civil, Diplomatic, and Miscellaneous	2,473,225 62
Military service, including fortifications, ordnance, Indian affairs, pensions, arming the militia, and internal improvements	5,525,189 95
Naval service, including the gradual improvement of the Navy	4,257,111 10
Public Debt	11,500,000 00

Which will leave an estimated balance in the Treasury, on the 1st of January, 1831, of 4,494,545 02

If the foregoing estimate of the revenue and expenditure be correct, the sum at the disposal of the Commissioners of the Sinking Fund, for the year 1830, will be \$11,500,000, and when the increase of population is considered, may probably be safely computed at \$12,000,000 for the four succeeding years. This sum will complete the payment of the whole Public Debt, within the year 1834, without applying to bank shares.

Should it be determined to reduce the revenue, so as to correspond with the existing expenditure, it will require the exercise of a wise forecast, on the part of the Legislature, to avert serious injury. Merchants having goods in hand, liable to be affected in price by a change in the fiscal system of the Government, have a just right to expect from it a reasonable notice, corresponding with the magnitude of the change proposed. In accordance with these views, it is respectfully suggested, that, whatever diminution of duties shall be determined upon, it be made to take effect prospectively and gradually.

It will, in such case, be proper, at an early period, to select the articles upon which to commence the reduction. As auxiliary to this undertaking, the annexed tables, M and N, have been prepared. Table M exhibits the amount of duties accruing on such articles of importation, as are generally of foreign production. Table N exhibits the tariff of duties imposed by foreign Governments, on such articles as are produced in, or exported from, the United States, as far as has been ascertained at the Treasury Department.

The precise effect of a reduction of duties on the revenue, can only be ascertained by experience; but, as the imports will be somewhat increased by the operation, it is not apprehended that a gradual reduction, commencing at an early day, would sensibly prolong the total extinguishment of the public debt.

The various duties devolved on the Treasury Department, in relation to Custom Houses, and Land Offices, have led to the exercise of powers not sufficiently defined by law. These are liable to be enlarged by successive gradations, under special exigencies, without legislative sanction, until the powers of the Department to perform indispensable duties are derived from usage, rather than the statutes. Of this nature, are those exercised in the payments for contingent expenses of the Cutter service, repairs of Custom Houses, Wharves, and Ware-houses, belonging to the United States; expenses to Inspectors employed in special services, in addition to their per diem compensa-

tion; in the allowances to persons instructed to investigate transactions of Custom Houses and Land Offices; to assistant counsel, and for costs in suits and prosecutions; and for various services of less magnitude. The payments for these objects are usually made by Collectors and Receivers of Public Moneys, or by drafts on them from the Treasury Department; being considered as incidental to these branches of revenue. It is desirable that all such payments should be as specifically sanctioned by law as those made out of moneys in the Treasury.

The Secretary of the Treasury deems it proper to make known to Congress, that the duties imposed upon woollen goods, under the act of the 19th May, 1828, have, in pursuance of an instruction from the Treasury Department, dated the 15th of October, 1828, been charged upon the value of such goods, without the addition of 20 per centum on the cost of those imported from the Cape of Good Hope, or any place beyond the same; or from beyond Cape Horn; or 10 per centum on those from any other place or country.

The law, it is believed, may admit of a different construction; but, as the orders for the importations, since the instruction above referred to, were given with a knowledge of its operation, now to add the 20 or the 10 per cent. to the cost of such goods, would probably transfer the whole of them into a class higher than was fairly contemplated by the importer, and increase the duty very prejudicially to his interest. Under these circumstances, and as there may be some doubt as to the intention of the law, it has been deemed proper not to disturb the existing construction, but to submit the matter to the consideration of Congress.

Another subject somewhat singular in character, has been, for special reasons, differently disposed of. A deduction of five per cent. on the invoices of broadcloths, for measurement, has become an established usage of trade. This usage was particularly noticed in an instruction issued by the Treasury Department, on the 9th September, 1828, but which had been differently construed by the Custom-house Officers at different ports: at some, the deduction having been made from the measurement, and at others from the cost; by which different rates of duties were imposed. It was deemed not only a legal, but constitutional obligation, so far as the powers vested in the Department would admit, to render the duty uniform throughout the United States. In preparing the necessary regulations for this purpose, it was considered that the five per cent. deduction was originally intended, as it purports to be, on "measurement," and not on price. This basis was also recommended by another and more important consideration, viz: the uniformity of its effect. The allowance being made for measurement, the merchant pays duty on the number of yards purporting to be imported; but, if made on price, it is nugatory, except the cloths are thereby transferred from a higher to a lower class, in which case it diminishes the duty by the amount of the difference between the duties charged on such classes. An instruction was accordingly issued on the 8th of August, 1829, directing the allowance of the five per cent. to be made on the measurement only. But this unavoidably deprived a number of importers, whose orders had been previously given, of the expected benefit of the deduction, in determining the classes of dutiable prices to which their cloths belonged; such cloths are, consequently, subjected to a rate of duty higher than was contemplated when the orders were given. The regulation has, therefore, injuriously affected the interest of these importers, and their case is submitted to the favorable consideration of Congress, who alone can give the proper relief.

The Secretary of the Treasury respectfully invites the attention of Congress to some modification of the

existing revenue laws, as well for the convenience of those employed in commerce and navigation, as for the better security of the revenue.

The law in relation to licenses for coasting and fishing vessels, operates unequally and injuriously upon some branches of that business; it requires, upon every change of structure of the vessel, or of ownership, by the transfer of the right of one partner, the taking out of a new license, and the payment of a new duty.

The bounty allowed on vessels employed in the cod fisheries is understood to be unlawfully obtained by some of those engaged in the mackerel fisheries. It is believed that a bounty on the fish cured or exported, without reference to the origin of the salt, would better promote whatever encouragement may be considered as proper to be given to the fisheries; this could be graduated to any scale, and, being more simple in its form, would be less liable to abuse.

It is found that the present mode of compensating Custom House officers operates unequally, and not in proportion to the service rendered. Its striking instances of this inequality, Inspectors, in many places, receive more than double the compensation of the Collectors who employ them; and, at some ports, Custom Houses are built, or purchased by the Government, while at others, they are provided at the expense of Collectors.

The fees of office are liable to be variously computed, and are a constant source of embarrassment in the transaction of business. These, it is believed, may be generally abolished, and the mode of compensation by salary beneficially substituted; retaining, however, those on manifests, clearances, entries, and permits, and that class of service which makes it the interest of the officers to require a strict observance of those acts on the part of masters of vessels, and shippers, which may be deemed essential to the security of the revenue.

The commissions now allowed to Collectors on bonds put in suit might be advantageously divided between them and the District Attorneys. The former would thereby be more interested in taking proper security, and the latter have a salutary stimulus to the discharge of their duties.

Some additional provision of law is deemed necessary to compel the surrender of public books and papers of District Attorneys, Marshals, Custom-house and Land officers, in pursuance of orders from the proper department.

The labors of the appraisers of imported goods have been greatly increased by the "act in alteration of the several acts imposing duties on imports," passed 19th May, 1828. To give the proper efficiency to that branch of service, it is necessary to have warehouses and offices, conveniently adapted for the examination, measuring, and repacking of goods; and that the persons employed by appraisers should be more immediately under their control. In the port of New York, where nearly half the importations into the United States are made, the whole labor of appraising devolves on two officers, who are exclusively responsible for that duty; and yet, all the assistance which can be provided for them is supplied indirectly, and under an implied power. To avoid the embarrassment that must arise from sickness, or other necessary absence of one or both of these officers, an additional appraiser at that port seems indispensable. It is also deemed advisable that the commissioned appraisers at all the ports should be authorized, under proper restrictions, to employ persons to act as assistants, under regular official responsibility; these being distributed upon the different classes of business, could not fail to increase the power of the appraisers for an efficient and faithful performance of their duties, and without any material increase of expense.

The present system of storing goods for debenture, or in security for duties, may, it is believed, be beneficially

modified. Goods are now stored under various circumstances.

1st. Teas may, at the option of the importer, and at his expense, be stored under the direction of the Custom-house officers, in security for the duties, for two years.

2d. Wine and spirits may be stored, in like manner, for one year.

3d. All other goods may be stored, in like manner, for the term of credit on the duties respectively.

4th. Wines and Spirits, to be entitled to drawback, must be deposited in a public store, and there remain, from their landing, until shipment; or, on being transported coastwise, may be again stored or shipped.

5th. Goods, irregularly imported, are stored until they can be disposed of according to law.

Private stores are usually rented for these purposes by the Collectors; but the facility of access to such buildings renders the security of little avail: and thus abuses have not more frequently occurred, is attributable much more to the integrity of the merchants than the efficacy of the system. The remedy proposed, is to erect warehouses, at the public expense, at the principal ports, for all the permanent objects connected with this branch of service; to be so situated and constructed as to be conveniently guarded, and rendered inaccessible except by permission of officers in charge. This being done, the warehouse system may be extended to all goods entered for drawback, and the right of debenture continued as long as they remain in store. There can be no doubt that a moderate charge for storage would remunerate the Government for the expenditure, while the revenue would be rendered more secure, and the interests of navigation essentially promoted.

The intercourse between the United States and adjacent foreign territories requires some special regulation, as well for the convenience of the officers of the customs as of travellers, and also for the better security of the revenue. Persons transiently coming into the United States on business, and returning, are obliged to pay duty for the horses and vehicles employed, without benefit of drawback. Ferry-boats, having foreign goods on board, are required by law to enter and pay fees upon every trip across a boundary water. It is also desirable that United States' vessels, of whatever burden, laden with foreign goods, passing on those waters, should be subject to the same regulations that are now imposed on coasting vessels, passing from one district to another, not in an adjoining State. It may, however, be doubted whether any regulation short of a total prohibition of the importation of goods, not the growth or product of the Territories contiguous to the United States, and of their transportation upon the boundary waters in vessels of the United States, without accompanying evidence of the duties having been paid, will effectually prevent illicit importations from those countries.

The laws in relation to the coasting trade do not afford the necessary means for preventing the unlawful introduction of foreign goods through that channel. The United States are divided into three great districts: 1st, From their eastern limits to the southern limits of Georgia. 2d, From the southern limits of Georgia to the Perdido River. 3d, From the Perdido River to the western limits of the United States. Masters of vessels, licensed for carrying on the coasting trade, may now, with a given amount of cargo, pass from one port to another, within either of these districts, or to a port in an adjoining State, without delivering a manifest or obtaining a permit previous to their departure, and without making any report on entering their vessel at the port of destination; nor does the law require any evidence, except the oath of the master in certain cases, of duties having been paid on foreign goods transported from one port to another, except by a defective provision as to

Wine, Spirits, and Teas, and goods entitled to drawback. It is apparent, from these facts, that very great facilities are given for illicit trade. If a single port can be found, where, through the negligence of the officers of the customs, or other cause, goods can be thus introduced, there is no sufficient obstacle to their being transported by water, to another and a better market. The mere power to board a coasting vessel, and demand her manifest, without any obligation on the master, to report her to the Collector, is wholly insufficient for proper security against frauds, and especially in those ports where an extensive coasting and foreign navigation is carried on.

There is also a feature in the law, in relation to the seizure of goods suspected to have been smuggled, which, it is believed, may be beneficially modified. These goods are usually seized in small quantities; the owners, perhaps, escape, or no one appears to claim them, and yet the goods cannot be sold until labelled, and condemned in a court of the United States; the costs attending which, frequently amount to more than the proceeds of the articles, when sold. The officer not only loses his reward, but the United States are subjected to costs, and what was intended as an inducement to vigilance, becomes worse than nugatory. This might be remedied by authorizing the sale, without condemnation, of such goods as may be unclaimed, after a reasonable notice. An additional and salutary stimulus may also be given to the activity of Revenue Officers by authorizing a relinquishment to them, of a portion of the proceeds of forfeited goods, which may accrue to the Government. The sum thus relinquished would probably be much more than repaid, in the increased security of the revenue, arising from the incitement to greater vigilance.

The power to search for, and seize goods found on land, requires to be enlarged, and better defined. To avoid unnecessary vexation, the exercise of the power might be limited to a reasonable distance from the coast, navigable rivers, canals, or the interior border. It is known that considerable exertions are making for introducing goods into the United States, in violation of the revenue laws: and the Secretary of the Treasury finds himself compelled to invite the special attention of Congress, to the adoption of such measures, as may be calculated to prevent an evil, not less dangerous to the morals of those exposed to the temptation, than injurious to the interests of the Nation. Every measure intended for this object will unavoidably subject the fair trader to some inconvenience; but this should be considered more than counterbalanced, by the protection it affords against the ruinous competition of those, who can only be restrained by efficient laws, rigorously executed.

The present credit system, it is believed, may be materially improved. If the purchaser of goods, or any other person than the importer, could be lawfully substituted, as the principal on Custom house bonds, in all cases where the importer was not indebted on bonds due and unpaid, the security of these debts might be greatly increased. It would, in such case, depend on the solvency of a class of merchants exposed to less hazard in their business, besides being divided among a greater number. The credits now allowed are also unnecessarily complicated. The long credits on teas have been a source of heavy loss to the revenue, and consequently injurious to the interests they were intended to promote. Experience has proved, that, by furnishing an opportunity for, they stimulate adventurous speculation, not less ruinous to those connected with them, than prejudicial to the Government. The terms of payment for duties, now presented by law, are as follows.

All sums not exceeding fifty dollars, are payable in cash; all sums exceeding fifty dollars, for duties on the produce of the West Indies, (except salt,) or places north of the equator, and situate on the eastern shores of America, or

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its adjacent seas, bays, and gulfs, one half in 6 months, one half in 9 months.

On salt, 9 months :

On wines, 12 months :

On all goods imported from Europe, (other than wines, salt, and teas,) one third in 8 months, one third in 10 months, and one third in 12 months :

On all goods, (other than wines, salt, and teas,) imported from any other place than Europe and the West Indies, one third in 8 months, one third in 10 months, and one third in 18 months :

On teas imported from China or Europe, stored as security for duties, a credit of two years is allowed. When delivered for consumption, the duties, not exceeding one hundred dollars, on a credit of four months with security ; if over one hundred dollars, and not exceeding five hundred dollars, eight months ; over five hundred dollars, twelve months ; the credit not in any case to extend beyond the two years allowed on deposit of the teas.

On wines and spirits, stored as security for duties, the same credit, on delivery, as if not stored ; not to exceed twelve months.

The term of six, nine, and twelve months, might be adopted as a fair average of existing credits. A change, if introduced prospectively, could not be sensibly felt in the price of any article of importation ; and the reduction of the duties on teas, and some other importations from countries south of the equator, if that be thought advisable, would counteract the effect of a shortened credit upon the interests of navigation in that region.

The average proposed somewhat increases the length of the credits on importations from the West Indies. Upon this point it may be observed, that the profits of the West India trade, being reduced to their minimum, every proper facility given to it, could not but be felt in the agriculture, as well as the commerce and navigation of the United States ; those colonies being almost the only market for many of the staple products of several of the States. The same object may be further promoted, by the reduction of duties on coffee, spices, and some other products of these Islands.

It is also worthy of consideration, whether any modification of the revenue system, with a view to improve the West India trade, might not, with advantage, be arranged in such manner, as to give a preference to the productions of those colonies into which American navigation is permitted.

The effects of a change in the credit system, and of a reduction of duties, upon the various interests of the nation, other than revenue, are suggested as incidental considerations, which, though they might not be deemed of such a character as to justify a revision of the revenue laws, yet cannot safely be overlooked in a modification called for by other indispensable objects. It may be proper, however, in all measures of this nature, to keep in view, that the money power of the Government, whether exerted in the imposition, distribution, or reduction of taxes, or in the disbursement of the public treasure, requires to be exercised with the most guarded and steady purpose of uniting absolute and relative justice in the same point. Whatever propels an undue portion of capital into one pursuit, must tend, where capital is abundant, sooner or later to overcharge it, and lessen the profits. The same operation will cause at least a relative increase in the profits of other pursuits from which capital has been withdrawn. The application of the money power of the Government to regulate the unequal action caused by such, or any other changes in human economy, is, in its nature, incapable of precise and certain adaptation to its end ; hence, the necessity for care and moderation in all measures of this character. Every mistake must increase the irregularities intended to be remedied,

and interrupt and disturb that gradual growth which best promotes and secures substantial prosperity. So injurious are great and sudden fluctuations in human employments, that it has been even doubted whether the inventive genius of man, in the development of means for saving labor, and multiplying mechanical power, has not proved rather an evil than a benefit. A close observance of this operation will, however, demonstrate that, whatever there may be of evil in it, arises only from the suddenness of the change. Employments essential to the support of many, have been superseded so suddenly as to leave them dependent on the charities of those who may have profited by the event ; this would not have occurred had the process been graduated as to time, more conformably to the habits and conditions of those liable to be affected by it. The employments thus superseded, will, however, scarcely be known to, or needed by, the next generation ; others will take their place, and those who cannot enter upon new pursuits, though without hope for themselves, may yet be consoled with a better prospect for posterity.

It may not be unprofitable to observe, that a total revolution is taking place in many of the productive employments throughout the civilized world. The improvements in science and arts, no longer interrupted by war, have been directed to other objects, and have so increased the power of production that the tide of prices, which had been long on the flood, is gradually ebbing, even under a depreciated currency. The relative values between labor and products have also changed, but are not yet adjusted. The depression of prices, falling unequally on the different species of property, is ruinous to many, and repugnant to the feelings even of those who do not really suffer. It may be long before a proper adjustment of these values removes the evil ; and until then, the busy world will be agitated by the convulsive struggles of its various interests, each to avert from itself, and throw upon others the impending adversity. The ramifications of these connecting and conflicting operations are so complicated, that it may be doubted whether any degree of intelligence, however free from the influence of special interests, could, by the exercise of its political power, materially lessen the evil. The active energies of man, stimulated by necessity, emulation, and love of wealth, are perhaps the agents most to be relied upon, in maintaining a salutary equilibrium in the various operations of human enterprise. Every new disposition, therefore, of the money power, to be safe, should be gradual, and requires great caution to avoid increasing the unequal and irregular action which is so obviously prejudicial, both to individual and public welfare.

Whatever objects may, in the wisdom of the Government, be found for the application of surplus revenue, after the public debt shall be paid, there will probably remain a considerable amount, which may be dispensed with, by a reduction of the import duties, without prejudice to any branch of domestic industry. Such a reduction will present a favorable opportunity for averting a portion of the evil resulting from the general depression in the price of property before referred to. The repeal of a tax is similar in its effects to the relinquishment of so much annual debt ; relieving, to that amount, the various species of labor upon which it was charged, and distributing its benefits, in proportion to consumption, upon every individual of the nation.

The extinguishment of the public debt tends to the same result in another way. The interest is now paid to capitalists, out of the profits of labor ; not only will this labor be released from the burden, but the capital thus thrown out of an unproductive, will seek a productive employment ; giving thereby a new impetus to enterprise, in agriculture, the arts, commerce, and navigation, at a lower charge for interest than before. The heavy

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impositions on the labor employed in these pursuits, in those nations where the arts have attained their highest perfection, had become in a great measure counterbalanced, in latter years, by the increased capacity of that labor; but these burdens still remain, and with but little prospect of diminution. In the mean time, the industry of the United States will have a positive advantage over that of other countries, equal to the difference between their respective rates of taxation; and it is worthy of consideration, that there has been probably no period, in which such an opportunity for advancing the general economy of the American People, and aiding them to maintain a successful competition with that of other countries, could have been more propitious, or more necessary to their interests, than that which is now approaching. It is known that the most unexampled exertions are making in all civilized nations, to increase the productive power; and those who shall stand foremost in this laudable strife, will be assured of success in maintaining, not merely the prosperity of their People, but a high rank among the family of nations.

All which is respectfully submitted.

S. D. INGHAM,

Secretary of the Treasury.

TREASURY DEPARTMENT, DEC. 14, 1829.

REPORT ON THE CURRENT COINS,

Made to the Senate of the United States, Jan. 11, 1830.

Mr. SANFORD, from the Select Committee appointed to consider the state of the current coins, and to report such amendments of the existing laws concerning coins, as may be deemed expedient, made the following Report :

The law of the second day of April, 1792, establishing the Mint, and directing coins of gold, silver, and copper, expressly enacts, that the gold and silver coins shall be a legal tender, in all payments; but it is not declared by that law, or by any express enactment, that our copper coins shall be legal money. The currency of all other copper coins is expressly prohibited by the law of the 8th day of May, 1792. It is, and from the first institution of our coins has been, an uncertain question, whether a debtor can compel his creditor to receive payment in cents or half cents. A discussion of this question, as it now stands upon the existing laws, is here unnecessary. Our copper coins are either legal money, or they are not. If they are a legal tender, they are so without limitation of amount; and any debt, however great, may be discharged in cents or half cents. If they are not a legal tender, they are not so in any case, or for the smallest sum; and we have no legal money for very small payments. Both branches of this alternative are unfit; and neither of them should be law. The coins of copper are altogether unsuitable for payment of large sums; they are not necessary for payments which may be made by coins of silver or gold; and their peculiar destination is, to make those small payments which cannot be made by coins of higher value. The copper coins should, therefore, be confined to their proper province; and within that sphere they should be legal for all purposes of money.

It is proposed that the amount for which the copper coins shall be a legal tender shall be ten cents. A sum greater than ten cents would be inconvenient: and though five cents may be paid in silver by a half dime, and ten cents by a dime, or two half dimes, yet it is convenient that the debtor should also be able to pay these small sums in the copper coins. The sum of ten cents, as a rule for this purpose, seems to adjust, reasonably, the question of convenience between creditor and debtor: and this regulation, while it will afford entire faci-

lity to small and exact payments, will prevent the abuse of burthening creditors with an inconvenient amount of these coins. When our copper coins shall be thus confined to very small payments, the objection often made, that they are too heavy for the purpose of money, will have little force.

All our silver coins are now, indiscriminately, legal money for all payments; and any debt, however large, may be discharged in the small coins of this metal.

The design of a system which employs gold, silver, and copper as money, is, that the several metals should be used for the respective offices to which each of them is peculiarly adapted; that gold should be used chiefly for large payments; that payments which are neither very great nor very small, should be made in silver; and that copper should serve only for payment of very small sums. The object of different coins of the same metal is, that the smaller coins should be used to pay the small sums which they express.

All these are objects of real and great convenience. But when small coins, so convenient for small and exact payments, are used to discharge large debts, their inconvenience is manifest. All the coins offered in payment, must be counted; every piece must be examined, at least, by inspection; and the labor of effecting a payment is nearly in proportion to the number of pieces used for that purpose. To abridge this labor, large coins are necessary; and public convenience requires, that such coins should be used in payment of large sums.

Our various coins are well adapted to these different ends; but we have hitherto made no discrimination between our different coins, in respect to their use in payments.

We have four silver coins less than a dollar; and we allow to the debtor the option to pay either gold or silver coins. It is not expedient that he should also have the option to pay a large debt in these small coins of silver.

Where all the coins are equally applicable to all payments, the community seldom enjoy, to a convenient extent, the use of the larger coins. Large coins are withdrawn from circulation sooner, and more frequently, than smaller pieces. The coins most convenient to the manufacturer, to the merchant, who exports coins, and to all who deal in the precious metals as merchandize, are the pieces which contain the greatest quantity of metal. All these persons select large coins for their purposes, in preference to small pieces; and where the same quantity of metal may be obtained either in large pieces or small coins, the greater convenience of large pieces for the uses to which coins are applied by these persons, is, alone, a decisive reason for this preference. Another cause concurring with this convenience, operates, powerfully, to withdraw large coins from currency. Circulating coins are never entirely uniform in weight. Small coins lose a greater proportion of weight than large coins, by circulation; and where the different coins have been in use during the same period, large coins are less diminished in weight and intrinsic value. The merchant or the manufacturer who selects large pieces instead of small coins, not only finds the large pieces more convenient, but he generally finds, also, a considerable gain in the quantity of metal which he obtains by this preference. This disproportion is, moreover, a direct inducement to convert large coins into bullion. As the diminution of small coins is often much greater than that of large coins, the larger pieces are converted into bullion, for the gain which this operation affords: these conversions are extensive, in proportion as they are profitable; and are profitable, according to the degree of disproportion of weight between large coins and small pieces. Motives of convenience, and motives of profit, thus co-operate to the same result; and demands for gold or silver, which fall upon the coins, are satisfied from the largest pieces

which can be procured. The larger coins constantly depart from circulation, while the smaller coins remain; and it is often found, that nearly all the coins remaining in use consist of the minor pieces.

The large coins which are converted into bullion, exported from the country, or used in manufactures, are the coins which are most convenient to the whole community, when large sums are to be paid and received; and the public interest is, that a considerable portion of the current coins should be those which are adapted to the object of paying large sums with facility. A due portion of large coins should therefore, not only be issued, but also be retained in circulation. This end is to be attained only by rendering such coins necessary for the large payments, to which they are adapted.

As a regulation in this respect, it is proposed that the silver coins less than a dollar, shall not be a legal tender for any sum exceeding ten dollars. The sum proposed for this purpose, by Mr. Lowndes, in a report made in the House of Representatives, on the twenty-sixth day of January 1819; was five dollars; but this sum seems too low. If a new system were now to be instituted, or if all our different coins were in circulation, in due proportion to each other, the sum of five dollars might be taken as the convenient rule, in this particular. In the actual state of our coins, the sum of ten dollars appears preferable; and this sum will sufficiently guard creditors against the inconvenience of receiving large payments in small silver coins.

The sixteenth section of the act of the second day of April, 1792, is in these words: "All the gold and silver coins which shall have been struck at, and issued from the said mint, shall be a lawful tender in all payments whatsoever; those of full weight, according to the respective values hereinbefore declared, and those of less than full weight, at values proportional to their respective weights."

The legal value of our coins of gold and silver, thus depends on their actual weight. This regulation involves the inconvenience, that our coins must be actually weighed, when weighing is required; but this inconvenience cannot be avoided, without incurring a greater evil. Coins unequal in weight and intrinsic value, but bearing the same legal value, are a source of greivous disorder and injustice; and all coins, however uniform in weight, when they leave the mint, afterwards become reduced and unequal in intrinsic value. Our system, therefore, prescribes the weights which shall be given to our coins by the mint, and their legal values when they have those weights; and direct, that coins of less than full weight, shall have legal values, according to their actual weights. The currency of our gold and silver coins, by mere tale, is neither enforced nor prohibited; but is left to take place, according to convenience and consent. But in enacting the principle, that the value shall be controlled by the weight, universal terms have been used, by which all our gold and silver coins, however diminished in weight, are made legal money, and in this respect, a restriction is necessary.

The smallest and lightest remnant of a coin, is now legal money, equally with a perfect piece of a full weight; and it is in the option of a debtor, to discharge his debt, either in coins of full weight, or in those which are diminished to any inferior weight.

Coins which must be weighed to ascertain their value, are very inconvenient money. When coins, manifestly much diminished, are offered in payment, the creditor must, in justice to himself, require that they shall be actually weighed; and weighing must be followed by the calculations requisite to convert weights into pecuniary values. These proceedings are exceedingly troublesome. Coins should, indeed, be liable to examination of their actual weight, as the ultimate and controlling test of

their value; but, to be entirely convenient, they should require only to be counted: and when weight becomes the necessary, or ordinary test of the value of coins, much of their convenience is lost. When actual weighing decides that coins are greatly diminished, it decides that they are no longer fit for convenient use. Coins so inferior in usefulness, cannot be justly ranked with those which being of full weight, or slightly reduced, afford the great convenience of a currency by tale.

While a coin retains the stamp of the mint, that impression certifies the denomination of the piece, and the quality of the metal. When coins are so worn, that their inscriptions and distinctive marks are effaced, they have lost the character which they received from the mint; and without that manifest character, they are not coined money. When a piece is so reduced, that its appearance does not indicate whether it is of one denomination or another, or whether it is of the national mint or of foreign coinage, its purity and weight are uncertain; and it wants the qualities of money. That coins reduced to disks of smooth metal, should be legal money, is quite too inconvenient; and it is unnecessary that they should be so, where the public mint is always ready to convert them into perfect pieces.

All such coins are unfit for circulation by tale; and their compulsory currency, by weight, is an inconvenience to which the community ought not to be subjected.

The currency of diminished coins has a powerful tendency to expel perfect coins from circulation. In every society where coins are used, they are treated very differently, by two classes of persons. One class, comprising far the greater number, pay and receive coins, without regard to their actual weight; and the great circulation of the community takes place, by mere tale. Another class consists of persons who, in various ways, deal in the precious metals as merchandize; and this class traffic in coins, according to their actual weight and intrinsic value. While an immense majority of the society are incessantly circulating diminished coins, as equivalent to those of full weight, dealers in gold and silver are constantly making the discrimination which is not made by others; and their business is to derive profit from these disparities. While others circulate by tale, they ascertain the value of coins by weight. They receive coins of full weight, and pay those of reduced weight; they exchange diminished coins for coins of full weight; and the constant commerce of the society renders these substitutions easy and endless. When a diminished coin has been used to obtain a coin of full weight, for gain, the coin of full weight circulates no more. It is converted into bullion or treated as bullion; and is exported, or used in manufactures, as bullion is wanted for either of these objects.

While the weight of coins is incessantly reduced by the friction of ordinary use, this is not the sole cause of their diminution. Coins are easily reduced to any inferior weight, by artificial means. Various processes, some of which are denominated filing, clipping, boring, scaling, and sweating, are employed to substract from coins of full weight, a portion of their metal. The coins so reduced, are put into circulation by tale; and the value of the metal withdrawn, is gained by those who perform these operations. These practices are forbidden by law; but as they are, or may be secret, they cannot be repressed.

Ordinary use and artificial reductions thus co-operate to diminish the weight of coins: and new ailment is constantly given to the business of procuring coins of full weight, by means of those which are lighter. But these exchanges are not limited to the acquisition of coins of full weight. When all the coins are below full weight, they still, to a great extent, circulate by tale. But some

of them are lighter than others; and the heavier pieces are continually withdrawn from circulation. The lighter pieces remain; but remain only until they in their turn, become heavier than others, when they likewise disappear. The substitution of lighter coins for heavier pieces proceeds more or less rapidly, in proportion to the profit which it affords; and these operations pass unheeded or little observed by the public, until at length, their effect becomes sensible to the whole community. A scarcity of coins is felt; attention to the current coins is excited; the absence of entire coins is observed; and the coins remaining in circulation, are found to consist of pieces reduced greatly below the full weight of their denominations.

Prices are adjusted to the money in which they are to be paid; and when the current coins or some of them are diminished, it is found more convenient to raise prices and receive the coins by tale than to sell for lower prices and receive the coins by weight. In this condition of the coins, prices are raised. The seller expecting to receive the current coins by tale, and knowing that some of them are diminished in weight, states his price as nearly as he is able, according to the quantity of metal which he is to receive in payment; compensating the deficient weight of diminished coins, by the superior weight of entire coins. Such a price is founded upon an estimated average of the intrinsic values of the coins of full weight and the diminished coins, supposed to be in circulation. But what proportion of the circulating coins is diminished is never accurately known; diminished coins are reduced in weight, in various degrees; such coins are often numerous in one scene of circulation, and few in another; their number is sometimes suddenly increased, and they enter into payments, in various proportions, with coins of full weight. From these uncertainties, no equation can be extracted; and all calculations to that end, must be inaccurate or uncertain. Instead therefore, of the certainty which the current coins do not afford, vague estimations of their true value are made; and such estimations agree in considering coins of full weight as worth less, and diminished coins as worth more, than their intrinsic values; but differ variously, in the estimated rates of depreciation and addition. To avoid the inconvenience of weighing the current coins, an imaginary standard of their value is thus formed; prices are in practice adjusted to this standard; and by the influence of diminished coins, the measure of value is rendered, to a considerable extent, indefinite, fluctuating and uncertain.

This state of the coins impedes the coinage of bullion. When diminished coins are by currency and custom, as valuable as coins of full weight, the possessor of gold or silver in bullion, finds more profit, in exchanging it for diminished coins, than for coins of full weight.

Diminished coins are thus imperfect money, they are unfit for circulation by tale; they disturb the measure of value; they impede the emission of new coins; and by their agency, the community is deprived of the uniform coins which public convenience requires.

When diminished coins have become numerous and much reduced in weight, and still circulate as equivalent to coins of full weight, the evil is not redressed merely by issuing new coins. An emission of new coins affords new and profitable employment to all who are engaged in exchanges, artificial diminution and the conversion of coins into bullion. The new coins of full weight are quickly converted into bullion, or into diminished pieces; and the circulating money consists as before, in great part, of diminished coins. The only effectual remedy is to abolish the cause which banishes entire coins; and a total suppression of diminished coins must be accompanied or followed, by a recoinage of all or great part of the money of the country. This remedy, inconvenient as it is, then becomes the less evil; and in other countries, it has often been found necessary.

If diminished coins are banished from circulation, as they become reduced, they are gradually replaced by new coins, with very little inconvenience. If they are suffered to circulate until they become a large portion of the current coins, they cannot be suddenly replaced; nor can the transition from such a state to an adequate supply of new coins, take place, without greatly disturbing the business and interests of the community. A general re-coinage may be long postponed; but where diminished coins continue to circulate, their progressive diminution, their increasing amount; and their consequent mischiefs, more and more felt, at length render a general renewal of the coins inevitably necessary. It is far better that the remedy should keep pace with the disease; that coins which become diminished, should be at once excluded from circulation; and that as they are gradually banished from use, their place should be gradually supplied by new coins.

The disorders which are inevitably generated by the currency of diminished coins, exist in this country, and are increasing; and we are silently and gradually deprived of a large portion of our best coins. The diminished coins which have hitherto been the principal cause of mischief in our country, are the Spanish coins which circulate as equivalent to the coins of our own mint; and in respect to these Spanish coins, a distinct measure will be proposed. Our own coins are not yet much reduced by ordinary use; but many of them are artificially diminished. Since the evils of diminished coins result from the nature of things, increase with time, and if not counteracted, become, sooner or later, a capital vice in the money of every country, they should be anticipated, and so far as may be practicable, should be prevented by the monetary system itself. Our own system has no precaution in this respect; it expressly makes our coins diminished to any degree whatever, as fully legal as coins of entire weight; and it thus promotes the march of these mischiefs. Some restriction of the existing rule is necessary, as a permanent regulation, which may at least check the progress of this great disorder, and the regulation which seems best adapted to this purpose and to our present situation, is, that our diminished coins should not be, as they now are, legal money.

Though entire uniformity in the weight of circulating coins is unattainable, great diversities are not to be tolerated. If all the circulating coins cannot be of full and uniform weight, still, the more nearly they approach that condition, the more sound and useful is the money of the country; and in proportion as the circulating coins are diminished and unequal, the inconveniences and mischiefs which have been described must exist.

If coins cease to circulate when they are slightly reduced, the benefits of coinage are, in some degree, lost. If they continue to circulate after they are much reduced, great mischief in all the money of the country follows. Both these inconveniences are to be avoided; and the only practicable measure for this purpose, is to establish a discrimination between coins, which, though slightly diminished, may still circulate with utility, and coins much diminished, which cannot circulate without mischief.

To ascertain the greatest diminution of weight which our coins will undergo, and yet leave their devices and inscriptions clearly discernible, experiments have been recently made at the mint; and it is found, that our dollar and its parts, when reduced by attrition, so that their devices and inscriptions are not wholly obliterated, but would be entirely effaced by a slight farther diminution, lose the proportions of their respective full weights, which follow:

The dollar loses five and seventy six hundredths per centum.

The half dollar loses six and seventy-two hundredths per centum.

The quarter dollar loses seven and sixty-eight hundredths per centum.

The dime loses nine and one tenth per centum.

The half dime loses ten and one fifth per centum.

When our silver coins are diminished in any degree greater than these respective rates, they are destitute of the impression of the mint; and for that reason alone are unfit for farther circulation.

The impression of the mint being essential, coins which have lost that impression should cease to circulate; but this criterion does not also decide that all diminished coins which retain the marks of the mint, may circulate with safety and advantage to the public. Other considerations evince that the degree of diminution at which coins should cease to circulate, ought to be less than the rates indicated by the mere fact that so much of the impression of the mint remains, that the character of the coins is still discernible.

The preceding rates of the loss of weight by attrition, in our silver coins, are the utmost limits of diminution, within which, the marks of the mint are visible; and though within these limits, the impression of the mint is discernible, yet when these coins are reduced to these limits, they are exceedingly defaced and their beauty is lost.

Some of the modes of artificial diminution, such as boring and sweating, subtract much of the weight of coins, and yet leave their devices and inscriptions, with little or no alteration.

The various mischiefs resulting from diminished coins take place, when coins are diminished in a degree much less than the rates of diminution which they will undergo, without losing entirely the impression of the mint. A small difference of weight between coins of the same denomination is sufficient to afford profit by exchanges, to engage the trader in coins, in his operations, and to consign coins of full weight to the crucible or to exportation. The pernicious effects of diminished coins are the great evil against which provision is to be made; and the only adequate remedy is, to remove so far as may be practicable, the source of gain which must always exist, where there is any considerable difference of weight, between current coins of the same denomination. The high importance of this object renders it necessary, that the diminution which shall put an end to the circulation of coins, should be a very small part of their full weight.

The measure now proposed, being not to suppress absolutely the circulation of diminished coins, but to check their currency, by depriving them of the character of legal money, they may nevertheless circulate by consent; and the degree of diminution, at which such coins shall cease to be legal, may, without inconvenience, be low.

Still, the rate of diminution at which coins shall cease to be legal, should not be so low, as to confine them to a very short term of circulation.

From careful examination of our own coins and those of other countries, the loss of weight sustained by our coins by ordinary use, during a period of fifty years, is estimated, as follows:

The eagle loses about one per centum.

The half eagle loses nearly two per centum.

The quarter eagle loses about three per centum.

The dollar loses about one per centum.

The half dollar loses nearly two per centum.

The quarter dollar loses about three and a half per centum.

The dime loses about six per centum.

The half dime loses about ten per centum.

It is proposed that our coins shall not be a legal tender, when they are diminished in weight more than one twenty-fifth part or four per centum of their full weight; and that this rule shall be applied to all the coins. Different

rates of diminution for the different coins, would be too complex, and would afford very little advantage. Under the restriction now proposed, our coins diminished only by ordinary use will be legal money during the following periods:

The eagle, about two hundred years.

The half eagle, about one hundred years.

The quarter eagle, about sixty-seven years.

The dollar, about two hundred years.

The half dollar, about one hundred years.

The quarter dollar, about fifty seven years.

The dime, about thirty-three years.

The half dime, about twenty years.

Though the object of giving to the public the use of coins for a long period, and that of arresting their currency when their farther circulation would be pernicious, are not fully compatible with each other, they may be, to a great extent, reconciled. When we seek a particular rule, which shall harmonize these objects according to their just importance, our choice cannot be determined by exact science; and some rule avoiding extremes, approaching if not attaining the desired medium, and promising probable success, must be selected. The rule now proposed seems well adapted to the intended end; it is deemed eligible, and it may be safely adopted and pursued, until experience shall suggest a more beneficial regulation.

This restriction will protect creditors from payments in coins much diminished; will check the circulation of such coins; and will tend to preserve to the public the use of our best coins.

When our monetary system and the mint were established, it was justly conceived to be an essential part of the system of national money, that the currency of foreign coins should cease. It was expedient, that the foreign coins, which were then the money in use, should be suffered to circulate, until the mint should be in operation and able to issue our own coins; and the term of three years was regarded as a period, at the end of which, we ought to dispense with all foreign coins, and abolish their currency. Thirty eight years have since elapsed; and we have not yet dispensed with foreign coins, as legal money.

Our laws have at different times legalized certain foreign coins; but all these laws were intended to be temporary, and most of them were expressly limited to short periods, which have expired. The only foreign coins which are now a legal tender, are Spanish dollars and the parts of those dollars.

Some Spanish dollars are still coined by the mint of Madrid; but with this exception, the coinage of Spanish dollars and their parts has entirely ceased. None or very few of these recent Spanish coins reach this country.

Our great supply of Spanish coins has always been derived from the American countries, formerly Spanish and now independent; and the Spanish dollar and its parts now current in this country, were coined by the mints of Mexico, Peru, and other American countries, while those countries were subject to the dominion of Spain.—Since those countries have become independent, they have instituted new coins for themselves: and though their coins are in some respects formed upon the model of the Spanish dollar, they deviate variously, from that example; and the devices and external marks of these coins are entirely different from those of the Spanish dollar.

Few or none of the Spanish coins now in this country, have been fabricated within the last fifteen years; a very large portion, probably one half of them, had been fabricated and were in use, before the year 1792, when our mint was established; and nearly all of them have been in use, during various periods, from twenty to one hundred years.

All these Spanish coins are reduced in various degrees from their original weights. All of them have been reduced by use, and many of them also by artificial means; and many of these coins are exceedingly diminished. It is estimated that these Spanish coins now in our circulation are at this time less in weight than their original full weights, by the following proportions:

The dollar about one per centum.

The half dollar, about three per centum.

The quarter dollar, about six per centum.

The eighth of a dollar, about eleven per centum.

The sixteenth of a dollar, about nineteen per centum.

These are averages of the rates of diminution of these several coins; many of them of each denomination being reduced more, and many less, than these estimated rates.

In the year 1826, various foreign coins were examined and weighed at the mint; the results were laid before the Senate in January 1827; and according to those results, the diminution of these Spanish coins is somewhat less than it is stated to be by the estimates now made. The examination of the mint was undoubtedly faithful and accurate; but the results which it then presented, are subject to the uncertainty which belongs to the estimates now made, and to all statements of such facts. It being impossible to examine all the coins in circulation, all that can be done, is to examine, carefully, a great number of them; and to deduce from their various degrees of diminution, an average, which will probably be also the average of the diminution of the coins of the same kind, not examined. Such an examination and such a deduction of averages, were made by the mint of 1826; and a similar proceeding has been the foundation of the estimates now made. But the coins examined by any person, at any time or place, may be in their average, more or less diminished than an exact average of all the like coins in circulation; and it is believed that the Spanish dollars and their parts which were examined by the mint in 1826, must have been somewhat less diminished than the residue of these coins circulating in all parts of the United States. Minute differences between averages resulting from particular examinations, are, however, of little importance, where the results of all examinations concur in showing the general state of the fact of diminution.

An average of another kind will exhibit the diminution of these coins, in one view. Of these Spanish coins now in our circulation there are very few dollars, and the half dollars are not numerous. The quarters, eighths, and sixteenths, are very numerous; they form a considerable portion of the circulating coins; their aggregate amount very far exceeds the amount of dollars and half dollars; and these minor coins are the pieces which are most diminished. An average of the diminution of all these Spanish dollars and their parts, deduced from the several amounts of the coins of each denomination believed to be now in our circulation, and their respective rates of diminution, is estimated to be nearly seven per centum of the original weight and value of the aggregate quantity.

The Spanish dollars and their parts coined at different times, were not entirely uniform in weight; and the original full weight of some of these coins, was such, that the intrinsic value of the dollar was equal to a dollar and nearly a cent of our money. The proportions in which these coins of different emissions and different original weights, constitute the total sum now in our circulation, cannot be determined with any accuracy; but some of these coins originally a little more valuable than our own silver coins, are a part of the mass. Hence, the degree of diminution of these Spanish coins does not express with entire accuracy the actual difference of weight between them and our own coins: and the actual weight of these Spanish coins at this time, is the important fact

sought to be ascertained. When the Spanish dollars and their parts now in our circulation are considered in their aggregate quantity, it is estimated that at this time, the entire mass is at least six per centum less in actual weight, than the full weight of our own silver coins.

Whatever may be the exact average of this disparity, great numbers of these Spanish coins are now reduced in weight, far below any average of the diminution of the aggregate quantity; great numbers of them are exceedingly inferior in intrinsic value, to our own coins of like denominations; and this portion of these Spanish coins is quite sufficient to operate with powerful effect upon the coins of our own mint.

The Spanish dollars, which are now a legal tender, are those, of which the actual weight is not less than seventeen pennyweights and seven grains; and the parts of the Spanish dollar are not a legal tender, unless they have like proportional weight. There are very few Spanish dollars and not many Spanish half dollars now in our circulation: and of those now in use, a few have the weight thus requisite to make them legal money. All or almost all the Spanish quarter dollars are below the requisite weight; and most of them are reduced below that weight. The eighths and sixteenths of the Spanish dollar are still more diminished; and all of them are far below the weight required to make them a legal tender. Of all these coins, a very small portion, not perhaps amounting to a hundredth part, may have the weight prescribed by the law now in force; and these alone, are now legal money. The regulation by which Spanish dollars and their parts are thus legal money or not, according to their actual weight, was established in 1793. The legislature of that time were justly sensible of the mischief which would follow, if such of these coins as are inferior to our own in weight, should circulate as equal to them in value; and by this regulation, they intended to exclude such inferior coins from currency. Experience has shown that this discrimination of law, is without efficacy in fact. If the existing law were enforced in practice, such of these coins as are below the requisite weight, would not circulate. A very different consequence takes place; and in practice, all these coins are equally current, without regard to their actual weight. From the fact that some of these coins have the weight requisite to make them legal money, and from custom, inattention or the inconvenience of weighing coins, all of them are current by tale, at full values. The actual weight of these coins, is a test of their value, used only by those who by means of lighter coins, withdraw heavier coins from circulation: and in the indiscriminate currency of all these coins by tale, the large portion of them which is much reduced in weight, has ample scope for the mischief which diminished coins never fail to produce.

The mint of the United States, from its commencement to the first day of the present year, has issued coins amounting to the following sums:

Gold coins,	-	-	8,691,530 00
Silver coins,	-	-	25,266,077 90
Total amount of gold and silver coins,	-	-	33,957,607 90
Copper coins, about	-	-	539,530 00

The coins of all kinds now in the United States are estimated to amount to about twenty-three millions of dollars. Of this amount, it is estimated that about fourteen millions consist of our own coins; about five millions of Spanish dollars and their parts; and about four millions of various other foreign coins.

Of the gold and silver coins issued by our mint, amounting nearly to thirty-four millions of dollars, a portion not exceeding fourteen millions of dollars now remains in this country, in the form of coins; and this portion consists almost wholly of the coins of silver.

Our gold coins are withdrawn from circulation, chiefly by the operation of a particular cause, not now discussed.

21st Cong. 1st Sess.]

On the Current Coins.

[SENATE.]

More than one-third of our silver coins have departed from circulation.

Almost all the early silver coins of our mint have disappeared. Our silver coins now current, are principally those issued within the last ten years; and of these, the greater portion are of the most recent emissions.

Our silver coins are to a great extent, treated as bullion; and whether they are converted into bullion, or pass into manufactures, or are exported, they are lost to the use of the community, as coins.

The diminished Spanish coins are neither converted into bullion; nor exported, nor used in manufactures; and they continue in circulation.

The Spanish coins circulating as equivalent to our own coins of like nominal value, are chiefly the instruments, by which our own coins are withdrawn from circulation.

By means of these Spanish coins, of very reduced weight, our own coins of full weight or very slightly reduced, are procured and converted into bullion, or used as bullion in manufactures or for exportation. The inevitable consequence of coins current at the same value, while they are not of the same weight, takes place; the excess of intrinsic value of our own coins, over that of the diminished Spanish coins, is gained by somebody; our own coins disappear; and the lighter Spanish pieces continue in circulation.

Some other causes have slightly contributed to withdraw our silver coins from circulation; but these minor causes are inadequate to the magnitude of the effect which has been produced. The silver coins issued by our mint have exceeded the amount of all the coins now in the United States; and the portion of these silver coins which has disappeared, is a sum greater than the amount of all the foreign coins now in this country. An amount not less than eleven millions of dollars of our silver coins has been withdrawn from circulation; and the concurrent use of Spanish coins inferior to our own coins in weight and intrinsic value, but of equal value in currency by tale, has been the principal cause of this fact.

Though a large amount of our coins has disappeared, the increasing emissions of the mint would soon supply their place, if our own coins could remain in circulation. Our silver coins would remain in circulation, if they were not incessantly displaced by diminished Spanish coins; and while this cause shall exist, it will be impossible to retain any great quantity of our silver coins in currency.

The injury already done by these Spanish coins has been great; and if they could suffer no farther diminution, they would continue to produce like mischief, in future. But these coins must become still more reduced by longer circulation; and as they shall decrease in weight, they will more and more banish our own coins from circulation. As diminished coins, they cannot be tolerated: their currency is incompatible with the due progress and success of our own system of money; and it is indispensable to the preservation of our own coins, that the currency of these Spanish coins should cease.

In many parts of our country, prices and debts are expressed in dollars and cents, according to our legal nomenclature of money and our own coins; but in other parts of the republic, prices and pecuniary sums are, to a great extent, expressed in pounds, shillings and pence, and especially in shillings and pence. Pounds, shillings and pence are merely a money of account, unknown to our laws; and to state accurately the value of our own coins in this money, calculations involving small fractions are necessary. This inconvenience alone is great. A much greater evil is, that these pounds, shillings and pence, are of four dissimilar kinds, in different States and places; each of them making different divisions of the Spanish dollar, and its parts, into shillings and pence: and each of these discordant imaginary moneys, though

understood by the inhabitants of the local scene where it prevails, is little known by others. These denominations with their various significations, had existed in many of the States, before the establishment of our national system of money; and they had been applied to the Spanish silver coins, which were then the most common money of the country. The same denominations are still continued by custom; and this usage is prolonged by the presence and currency of the Spanish coins, with which the denominations of pounds, shillings, and pence, have been so long associated. When these Spanish coins shall disappear, the denominations of pounds, shillings and pence will soon cease; prices and debts will be stated in dollars and cents; and not only will our coins be uniform, but we shall also enjoy in practice, the great convenience of a uniform expression of values in the national money, in every part of the United States.

While these Spanish coins are legal money, they will not be converted into our own coins. The possessor of these coins can gain nothing by their re-coinage, when they are equal in weight, to our own coins; and when they are inferior in weight, but still equal in current value, he will certainly not employ the mint to convert his diminished coins into a less number of pieces.

It has been said that we are not ready to dispense with these Spanish coins, because our own coins have not yet taken their place in circulation. Our own coins have not taken their place in circulation, because these foreign coins have had the currency and the sanction of law, which they now possess: and while they enjoy this powerful protection, they cannot be replaced by our own coins. Not only will these Spanish coins continue to circulate, but diminished as they now are, they will to a great extent, expel our own coins from circulation. If the currency of these Spanish coins cannot be discontinued without some inconvenience, that inconvenience will be transient; will be soon succeeded by the great benefit of sound and uniform coins of our own mint; and will be itself the price, without which, that benefit cannot be obtained.

It is in our power to possess a sufficient supply of our own coins; but we never can enjoy this great convenience, without employing the means which are necessary to the end. We are in no want of gold and silver; and in a country so rich, industrious, and commercial, there never can be any deficiency of these metals, of long duration. Our recent imports and exports of gold and silver, have been, during the four years which are specified, as follows:

From the thirtieth day of September, 1824, to the thirtieth day of September, 1825.

Imports, 6,150,765 dollars.

Exports, 8,797,055 dollars.

From the thirtieth day of September, 1825, to the thirtieth day of September, 1826;

Imports, 6,880,966 dollars.

Exports, 4,098,678 dollars.

From the thirtieth day of September, 1826, to the thirtieth day of September, 1827;

Imports, 8,151,130 dollars.

Exports, 7,971,306 dollars.

From the thirtieth day of September, 1827, to the thirtieth day of September, 1828;

Imports, 7,489,741 dollars.

Exports, 7,550,439 dollars.

These great quantities of the precious metals are brought into our country, and when here, are ready to satisfy any demand, internal or foreign, which may exist. They are now exported soon after they arrive. Any portion of the gold and silver imported, which may be requisite for a supply of our own coins, may be retained for that object; but this purpose cannot be accomplished, without rendering our own coins necessary for the uses

of money. Coins are converted into bullion, and bullion is converted into coins by the mint, at the pleasure of every possessor of coins or bullion; the object of either conversion, is gain; and the possessor of bullion will not employ the mint to coin it, unless coins are more valuable than the uncoined metal. A demand for coins for the offices of money, renders them more valuable than bullion; and an adequate supply of coins can never be obtained and held in circulation, otherwise than by an effective demand for coins as money.

Whatever may be the amount of the coins possessed by the community, and whether the offices of money are performed wholly by coins, or partly by coins and partly by credit in the forms of paper money, it is of the highest moment, that the coins which are the only legal money, should be uniform and current, according to their true values.

To depend upon foreign coins for our ordinary domestic use, is unworthy of ourselves and our condition. We have all the reasons of policy which induce nations to establish and coin money for themselves: we have all the means for coining our own money: our own system of money, our mint and our own coins, are no longer, in their infancy; and the just pride of national character should now discard the foreign coins which were from necessity adopted and used by the country, in its colonial state.

The currency of these Spanish coins must now be abolished, or at least be checked. As these coins are widely diffused, and cannot be immediately replaced in circulation by our own coins, it would be too rigorous to prohibit at once their currency by consent. Their circulation may be checked, by depriving them altogether of the character of legal money, and this is the measure which is now recommended. Being in familiar use, these coins will still to a great extent circulate by consent; and though any circulation of these coins will be pernicious, their currency, by consent of parties, may for some time longer be tolerated.

Our mint is in a very satisfactory state. Its officers possess all the skill requisite for their stations; the modern improvements in the art of coining have been adopted; and the machinery proper for fabricating all our coins, is provided and is in use. The establishment is complete in all the faculties of a national mint; and being complete in its organization, its capacity to issue coins may be easily enlarged. Our coinage has hitherto been performed in an edifice extremely unsuitable for the operations of a mint; but under this disadvantage, the mint has been able to coin without much delay, all the gold and silver which have been presented for coinage. In pursuance of a recent provision of law, a new edifice for the use of the mint is now in a course of construction; and this structure will afford ample accommodation for all the operations of a great mint. It will be completed in January or February, 1831; and the mint will be established and in full operation in the new edifice, before the fourth day of July, 1831. The mint is now able to fabricate and issue coins to the amount of five millions of dollars in a year; and it will soon be able to coin ten millions of dollars in a year, or any greater sum which our wants may require.

The proposed regulations concerning the legal tender of the copper coins, and the legal tender of diminished coins of silver and gold, may, without inconvenience, have immediate operation.

It is proposed that the regulation by which Spanish dollars and their parts will cease to be a legal tender, shall take effect on the fourth day of July, 1831. Before that time, all these Spanish coins now in the United States, may be re-coined, if they should be presented to the mint, for that purpose. Almost all the Spanish dollars now in this country, are collected in the commercial

seaports; where they are held rather as articles of merchandise, than as circulating coins. The minor coins and especially the quarters, eighths and sixteenths of the Spanish dollar, are in active circulation in all parts of our country. These coins being in common use, great numbers of them will circulate by consent, after they shall cease to be legal money; as all of them now circulate freely, when very few of them are a legal tender. No great quantity of these Spanish coins will be presented for re-coinage, at any particular time. This measure will therefore produce no inconvenient pressure upon the community or the mint; and its practical effect will be, that these Spanish coins will be gradually withdrawn from circulation, and gradually replaced by our own coins.

We are not prepared for the immediate operation of the rule by which our silver coins, less than a dollar, will not be a legal tender for payment of large sums. Our gold coins are withdrawn from circulation, soon after they are issued from the mint; and we have very few dollars of our own mint, now in currency. A delay which may enable us to provide a suitable amount of dollars or of dollars and gold coins, must therefore be allowed.—The proposed regulation should be now established, that all may prepare for its effect; and the time assigned for the commencement of its operation, should be sufficiently remote to allow requisite preparation, and sufficiently near to impose the necessity and give the impulse, without which preparation will not be made.

The values of gold and silver, in their relation to each other, now established in our coins, are different from the relative values of these metals in commerce, the legal valuation of gold being too low, and that of silver too high. Our gold coins are withdrawn from circulation, chiefly by the operation of this erroneous proportion. This subject is now under examination by the Secretary of the Treasury, in pursuance of a resolution of the Senate; and it is believed, that by suitable regulations the convenience of gold coins may be secured to the country. But if this object should not be attained, and our coins shall hereafter consist as they now do, of silver, the coins of this metal should be such as are best adapted to public convenience. Without the regulation now proposed, dollars will not be coined, or if coined, will not remain in circulation; and the dollar, the largest silver coin authorized by law, the unit of our system of money, will be known only as a money of account, not represented by any sensible object.

Had this regulation been in force from the commencement of our system, we should now have in currency a due proportion of the higher coins. All our coins having been indiscriminately legal for all the purposes of money, the causes which subtract large coins from circulation have had unrestrained operation; and we are now almost destitute of the higher coins which our system has wisely authorized.

When this regulation shall be in force, a portion of the current coins must consist either of dollars, or of dollars and gold; but this portion will probably be no great part of the aggregate amount of our coins. Large sums will from convenience be in general received and paid as they now are, in paper money. An amount of dollars and gold or of dollars sufficient for all the exigencies which are likely to arise from the operation of this rule, may be coined within two years. That an interval may be allowed, which shall be amply sufficient for all necessary preparation, in respect both to the convenience of the community and the ability of the mint, the fourth day of July, 1833, is proposed as the time when this regulation shall take effect.

Our system of money is in the main excellent; and in most of its great principles, no innovation can be made with advantage. But it is not perfect, and it is susceptible of much improvement. The design of this report,

has been, to present and discuss some of the defects of the existing laws; and to propose the new regulations which are requisite to supply those defects. These regulations are conceived not only to be amendments important in themselves, as sound principles of a permanent system, but also to be urgently required by the actual state of the coins now in use.

The general effects of these regulations will be, to promote the coinage of the precious metals; to increase the quantity of our own coins, and especially of some of our coins, which now scarcely enter into our circulation; to diffuse our different coins throughout the United States; and to retain them in the circulation and the use of the community.

The propositions now submitted, are these:

1. That our copper coins shall be a legal tender for payment of any sum not exceeding ten cents, and for no greater sum.

2. That our silver coins less than a dollar, shall not be a legal tender, for payment of any sum exceeding ten dollars.

3. That when our coins of gold or silver are diminished in weight, more than a twenty-fifth part of their full weight, they shall not be legal money.

4. That no foreign coin whatever shall be a legal tender.

5. That the first and third of these regulations shall be in force immediately; that the fourth shall take effect on the fourth day of July, 1831; and that the second shall take effect on the fourth day of July, 1833.

A bill containing these provisions, is also submitted.

IN SENATE OF THE UNITED STATES,

FEBRUARY 22, 1830.

Mr. WHITE made the following report:

The Committee on Indian Affairs, to whom was referred that part of the President's Message, dated the eighth day of December last, which relates to Indian Affairs, have had the same under consideration, and ask leave to submit the following report:

Every thing which relates to those Indian tribes or nations, with which we have political relations, *created or regulated* by treaties, is becoming, every year, more and more interesting; especially those relating to such as reside within any of the States of the Union, or of the territories belonging to it. The matters communicated by the President, in his Message, relative to the Cherokees, are of the most delicate and interesting character, whether considered in relation to the United States, to the States of Georgia and Alabama, or to the Cherokee Nation. The committee have employed themselves assiduously in their investigation, with an anxious wish to avail themselves of all the information within their reach, and desirous to recommend something to the Senate, which, if productive of no positive good, will at least have the merit of not further embarrassing questions, already sufficiently complicated.

With this nation, the United States have formed a number of treaties, commencing as early as the year 1785, and ending in the year 1819. At the formation of the first, the Indians occupied portions of territory within the chartered limits of the States of North Carolina, South Carolina, and of Georgia. Since that period, North Carolina ceded a part of her territory, on which a portion of these Indians resided, to the United States; and that territory, according to the terms of the deed of cession, has been since formed into the State of Tennessee. South Carolina and Georgia amicably settled the boundary between them; and by an agreement between the United States and Georgia, dated in the year 1802, the United States acquired the title to a portion of territory, out of which,

the State of Alabama, and the greater part of the State of Mississippi, have been since formed. And now, it so happens, that a part of the Cherokees still reside within the States of North Carolina and Georgia, according to their *present* boundaries, as well as within the limits of Tennessee and of Alabama. Latterly, Georgia, in the exercise, as she supposes, of her sovereign powers, has extended her laws over the whole of the State, and subjected the Indians to her jurisdiction. Meantime, the Cherokees have formed a civil government of their own, entirely independent of any State, claiming to have a right to do so in virtue of their original title to the lands on which they reside, and relying, likewise, upon the guarantee of their country, in several of their treaties formed with the United States. They have called upon the Executive to make good this guarantee, by preventing the operation of the laws of either Georgia or Alabama, within those limits secured to them by the said treaties. To this application the President has replied, that he has no power to check the operation of the laws of those States, within their respective limits; that the Constitution of the United States forbids the formation of any new State within the limits of an old one, without its consent; therefore, the Cherokees cannot be recognized as a separate State, within those limits where they now reside; and that, if they choose to remain *there*, they shall be protected in doing so, but that they must submit to the laws of the respective States, at the same time they are protected by them, and earnestly recommends to them to consent to exchange the country where they now reside, for one West of the Mississippi, owned by the United States, and not yet included within the bounds of any State or Territory, where they can be again united with that portion of their nation which has already emigrated, and where the United States can, and will, make them forever secure from any interruption from the whites, or from any other nation or people whatever.

To this proposition the Indians have given an absolute refusal, still insisting on a fulfilment of their treaty stipulations.

The laws of Georgia will commence their operation in the month of June next. It is easy to foresee the painful consequences which will probably follow, from laws operating over the same territory, at one and the same time, and flowing from jurisdictions or sovereigns, *independent* of each other.

The evil will not stop here; already we are advised Mississippi has passed a law, incorporating her Indian population with her citizens; that Alabama has extended her laws over the Creek Indians within her limits; and before long, we may anticipate that the like policy will be pursued by several other States.

From the information before the committee, no hope need be entertained that either of those States will change their policy, and repeal those laws; a period has arrived, when the United States have a duty to perform, which must be discharged, in *good faith*, to the States concerned, to the Indians, and with a *sacred regard* to their own high character.

In the view which the committee have of this subject, they believe it would be unnecessary, if not improper, for them to offer any opinion upon the points in dispute between the contending parties, because there can be no reason to suppose any additional enactments by Congress are necessary to put in the power of the Executive to make good the *guaranties* contained in the treaties, if, in his judgment, they ought to have the construction for which the Cherokees insist, and his duty, according to the constitution, would authorize him to oppose the operation of the State laws.

In 1802, Congress passed an act to regulate trade and intercourse with the Indians, the provisions of which, connected with the treaties, are sufficiently broad to au-

thorize the Executive to give effect to every stipulation, which it is the duty of the United States to perform.

The failure to comply with the wishes of the Cherokees, as it appears to the Committee, proceeded not from a defect in the law, but because, in the opinion of the Executive, *constitutional* objections exist, which it is not in the power of Congress to remove, by any law which they could enact.

The difficulties which have actually occurred were foreseen some years since, and successive Administrations seem to have been anxiously endeavoring to avoid them; and the only remedy suggested by any, appears to have been, to provide a country West of the Mississippi, beyond the limits of any State or organized Territory; to have it laid off and divided into as many districts as would accommodate *all the Indians* residing within any of the States or Territories; to have those districts so described, by natural or artificial marks, that each could be known from every other; and then, by fair and peaceable means, to induce the Indians to exchange the lands *where they live*, for some of those thus described, and to emigrate. A suitable country, as is believed, has been procured, but, owing to some cause or other, the districts have not, as yet, been laid off, and properly described. Exchanges, however, to a considerable extent, have been made, and consequent emigrations from various tribes have taken place. A portion of the Cherokees, equal, as is believed, to from one third to one half of the whole, has actually removed to, and settled in, a country well situated to their wants and wishes, West of the Mississippi. There is good reason to believe many more would have removed before this time, except for various causes, which, as yet, the United States, have not been able to overcome. The principal one is, the idea of a separate and independent State of their own, where they now live. This is the work, principally, of comparatively a few, who are either white men connected with the nation by marriage, or of those of mixed blood, born in the nation, who are well educated and intelligent, who have acquired considerable property, and, through the annuities paid by the United States, and by other means, are yearly adding to it. This class of people, it is believed, do not altogether equal one hundred in number. A very small portion of full-blooded Indians can be named, who are in the like circumstances, or who have much agency in their public affairs.

Those who are in public employ, have an influence almost unbounded over the nation. They fill all the offices created by their laws, and have the entire management of the funds derived from every source. The rest of the nation may be divided into two classes. The one owning some small property, and having settlements of their own, upon which they make a sufficiency to support themselves and their families, and but little surplus.—Those of the other, comprehending, as is believed, the mass of the population, are as poor and degraded as can well be imagined. They may be said to live without hope of better circumstances; they have almost no property, and seem destitute of the means or prospect of acquiring any. There is very little game in their country. They are without industry, without information, unlettered, and subsisting chiefly upon what they can beg, and upon the birds and fish they can procure. A stranger who travels along a leading road through the nation, or makes but a short stay in it, will form a very erroneous opinion of the true condition of the great mass of the population. He has intercourse only with those of the first or second class, before mentioned, and forms his opinions of all, from the condition of those with whom he associates. It may then be asked, why do these people refuse to emigrate? The answer is, those who have influence over them, use every means in their power to prevent them. They misrepresent the country offered, West of the Mississippi. They use persuasion, while it answers

the purpose, and threats, when persuasion is likely to fail. The committee are well satisfied, that every humane and benevolent individual, who is anxious for the welfare of the great body of the Cherokees, *and is correctly informed of their true condition*, must feel desirous for their removal, provided it can be effected with their consent.

Other strong inducements for this desire, must be found in the condition to which they are now brought, by the collision between them and the laws of the States in which they reside.

Although the committee, for the reasons before given, consider it unnecessary, if not improper, in them, to offer any opinion upon the validity of the conflicting claims of the parties; yet, it may not be without its use to call the attention of the Senate to some of the leading facts, and main points, upon which the controversy has depended, and must hereafter depend.

The title of the Cherokees must rest upon their original right of occupancy, and upon the treaties formed with the United States.

As to the first, "their title by occupancy," the answer would be, when the country was discovered, they were savages; and that this discovery, of itself, gave a right to form settlements, and to exclude all other civilized nations. That it conferred upon the nation of the discoverer and settler, the right to acquire the usufructuary interest which the natives had. It would be added, that, at a very early period, the Cherokees formed a treaty with Great Britain, by which they gave up their independence and put themselves under the protection of His Britannic Majesty. That they took a part with the British Crown in the war of the Revolution. That the American arms were employed against them, and they conquered, when Independence was acknowledged, and the treaty of peace made with Great Britain. That this conquest conferred upon the respective States, within whose limits they were, all the rights, and gave them all the powers which the Crown had, *prior to the Revolution*. That this right still continued in the States, and never was yielded to the United States. That, in securing these rights, they severally exercised these powers, from the year 1777 up to the year 1785, in such manner, as, in their sovereign will, they believed to be wise and just, without any control from the United States.

That, although, in the Articles of Confederation, there is a power given to the United States to make treaties with Indians residing *out of* their limits, yet there is, in the ninth article, an express saving to *each State*, of all its legislative rights, *within its chartered limits*.

As to the second point, the political condition of the Indians, as established by treaties between them and the United States. The first and only treaty with the Cherokees, during the Articles of Confederation, was concluded in November, 1785.

By that treaty, a boundary is established, which allots to the Indians a great extent of country within the acknowledged limits of both North Carolina and Georgia, and over which those States had actually legislated; had previously authorized by law the sales of land therein; a considerable quantity had in fact been sold to individuals, and the consideration money paid to the State.

Against this treaty both Georgia and North Carolina entered their *solemn protests*, it being, as they alleged, in violation of their *legislative rights*.

Not very long after this treaty, the Cherokees waged a war against the citizens of those States, which continued until some short time prior to the treaty of Holston, concluded in the year 1791.

This was the first treaty made with those Indians under the authority of the present Constitution of the United States, and by it a new boundary is agreed upon by

which the limits before allotted to the Indians are reduced to a smaller compass.

By the seventh article, "*the United States solemnly guaranty to the Cherokee nation, all their lands hereby ceded.*"

On the 7th day of February, 1797, an additional article to this last mentioned treaty, is agreed upon, by which an addition of five hundred dollars is made to the annuity stipulated in the former treaty.

In June, 1794, another treaty is made between the parties, by which the provisions of the treaty of 1791, are revived, an addition made to their annuity, and provision for running and marking the boundary line.

In October, 1798, an additional treaty is concluded, by which *former treaties are revived*, the boundary of Indian lands curtailed by another cession to the United States, for an additional compensation.

In October, 1804, another treaty is concluded, by which more land is ceded by the Indians, for a consideration agreed upon and specified in the treaty.

In October, 1805, two treaties are made, by which the Indians cede an additional quantity of land.

On the seventh day of January, 1806, another treaty is concluded, in which more land is ceded to the United States; and in September, 1807, an explanation is agreed upon of the boundary line intended in the treaty last mentioned.

On the 22d day of March, 1816, another treaty is concluded, by which the Indians relinquish their title to lands in South Carolina, for which the United States, engage South Carolina will make payment; and on the same day, another treaty is made, in which the Indians relinquish to the United States their claim to more lands, and agree to allow the use of the water courses in their remaining country, and also to permit roads to be made through the same.

On the 14th of September, 1816, another treaty is made, by which an additional quantity of lands is ceded to the United States.

On the 8th day of July, 1817, another treaty is concluded, by which an exchange of lands is agreed on, and a plan for dividing the Cherokees settled. One part to remain East of the Mississippi; another to emigrate West of the Mississippi, to a country designated in the treaty; and those who might happen to fall within the territory ceded, to have an *election to become citizens of the United States*, and each head of an Indian family to have a reservation of six hundred and forty acres of land, to include his improvements.

And on the 27th February, 1819, another treaty is concluded, intended to be in execution of the stipulations contained in that of 1817, in several particulars, and in which an additional tract of country is ceded to the United States.

These, as the committee believe, are all the treaties between the United States and the Cherokee nation on the *East side* of the Mississippi, and within the limits of any of the United States.

In several of them there are stipulations for *roads*, the *navigation of rivers*, and the *establishment of ferries within the bounds reserved by the Cherokees to themselves*, and guarantied to them by the United States.

In virtue of these treaties, the Cherokees contend they have a valid and complete title to the lands of which they are in possession; and that they have a right to establish such government, as, in their own opinion, is best suited to their condition; and that such government is *independent* of any of the States within the limits of which any portions of their territory may happen to be; and that the United States stand *solemnly pledged to protect them in the peaceable enjoyment* of it, against all the world.

On the other side, the States may admit, that, if the *political condition* of the Cherokees was to be considered,

as it related to the *rights and powers* of the *United States only*, then it is true, they are, and ought to be, a community *sovereign*, in all respects, those only excepted in which they had by the treaties expressly *surrendered* their independence; and still contend that Georgia was a sovereign and independent State, from the 4th day of July, 1776, a period *anterior* to the Union of the States, under either the Articles of Confederation, or of the present Constitution. That, as a sovereign State, she had a right to govern every human being within her limits, according to her own will, and to dispose of all the vacant lands, when, to whom, and for what consideration, she pleased. That she is still in the possession of all those rights and powers, excepting only such as she has expressly surrendered. That she never has surrendered to the United States, either by a treaty, or by any other means, the power to dispose of her vacant territory, or to authorize the establishment of a Government within her limits, without her consent. So far from it, that the 9th article of the Confederation forbids any violation of her legislative rights, and expressly provides that no State shall be deprived of territory for the benefit of the United States; and that the 3d section of the 4th article of the Constitution expressly says: *No new State shall be formed within the limits of one or more of the old*, without their consent. And the 10th amendment of the Constitution declares, that even "*private property shall not be taken for public use, without making just compensation.*" That, if private property cannot be taken *without compensation*, the conclusion is very strong, that it was not intended to give a power to take the property which belonged to a *sovereign State*, under any circumstances whatever. That she never did give her consent to this disposition of either her jurisdiction or of her territory; so far from it, she entered her *solemn protest* against the first treaty formed in the year 1785, as violative of her rights, and that no inference can be drawn to her disadvantage, from her silence, or from any thing she may have said in relation to any subsequent treaty; because, in each of them, a change was made; by which a portion of her territory and jurisdiction was restored to her, and thus her condition rendered better than it was under the treaty of 1785, against which she had protested.

She may further insist, that the second section of the second article of the Constitution, which gives to the President, with the advice and consent of two-thirds of the Senate, power to make treaties, has no application to Indians within the chartered limits of any of the States; nor the eighth section of the first article, which gives Congress power to regulate commerce with the Indian tribes. That if Indians can be treated with, it must be those only who reside *out of the limits* of the States, and those with whom commerce may be regulated, must be similarly situated; otherwise, that part of the second section of the first article, which forbids the enumeration of Indians residing within the States, and "*not taxed*," will be without any appropriate meaning. That, although the United States may have contracted *obligations* with the Cherokee nation, yet they had *previously* contracted those equally as *solemn* with each of the States. That in the 4th section of the 4th article of the Constitution, the following pledge is given: "*The United States shall solemnly guaranty to every State in this Union a republican form of Government, and shall protect each of them against invasion, and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence.*"

She may ask, how can Georgia have a "*republican form of government*," co-extensive with her limits, unless a majority of her citizens are permitted to prescribe rules, to which *all must conform*? How will the United States have made good the "*guarantee against domestic violence*," if they permit a portion of the population

within her limits to establish a Government, contrary to her will, with authority to prescribe rules inconsistent with those prescribed by herself? She may add, that it was in the confidence that this "solemn guarantee" would be sacredly kept, that she consented to give up any portion of her sovereignty, and become a member of the Union.

In addition, she may urge, that, in 1802, upwards of twenty-seven years ago, she made a contract with the United States, by which they became bound to purchase any claim which the Cherokee nation, or any other might set up to lands within her limits, as soon as such purchase could be made upon reasonable terms. That, for this stipulation, she paid at the time a valuable consideration in lands which she conveyed. That, after waiting thus long, and seeing for several years past, the prospect of a compliance on the part of the United States decreasing, she had determined to exert her own sovereign powers over her whole territory, in such manner as she believes will be just to her whole population. That the object of this agreement was to obtain a benefit for herself within her reserved limits, and that if she should fail to receive the benefit she expected, she will take care not to suffer her condition to be made worse.

That she is yet sovereign within her own limits, to every extent she was when she became a member of the Union, except so far as she expressly surrendered her sovereignty by the terms of the Constitution. That, although she is determined to use her power within her limits, yet she owes it to her own character so to exert it as most to promote the happiness of every rational being who may remain subject to her control, no matter what may be his color, or in what language he may make known his wants.

Alabama and Mississippi may say they were a part of the State of Georgia, up to the time of the compact and cession in 1802, and that they have been erected upon parts of the territory then ceded to the United States; and that, with the exception of the difference, produced by not owning the soil within their limits, they are entitled to the benefit of every argument which Georgia could urge in this controversy.

Should these arguments, or any others in favor of the States, have the effect of proving that the United States have not the power to comply with the stipulations, contained in their treaties with the Cherokees, on account of prior and superior obligations which they had contracted, it could not, in the opinion of the Committee, take any thing from that character for integrity and good faith to which they are so justly entitled. None could suspect that the obligation was contracted with a design to mislead or to deceive; and while the United States are both able and willing to make a full and adequate compensation for all that may be lost for want of a specific performance of their agreement, their faith is preserved as inviolate as it would be if all their stipulations were specifically complied with. Should the Indians continue determined to reside where they now are, and become subject to the laws of the respective States in which they reside, no difficulty can occur, as your Committee see no reason to apprehend that either of the States have it in contemplation to force them to abandon the country in which they dwell; but, if they determine to remain, and continue to insist on a separate and independent government, and refuse obedience to the laws of the States, the consequences which must inevitably ensue, are such as the humane and benevolent cannot reflect upon without feelings of the deepest sorrow and distress.

If, on the contrary, they should consent to exchange their present places of residence for a country West of the Mississippi, it is in the power of the United States to furnish one, suited, as the Committee believe, to their wants and condition; where they can be secured against

the intrusion of any other people; where, under the protection of the United States, and with their aid, they can pursue their plan of civilization, and, ere long, be in the peaceable enjoyment of a civil government of their own choice, and where Christian and philanthropist can have ample scope for their labors of love and benevolence.

Your Committee are of opinion, that ample means should be placed, by Congress, in the power of the President of the United States, to authorize and enable him to have the country West of the Mississippi, out of the limits of all the States, laid off into as many districts as may be deemed necessary for the residence of the Indians, now within the respective States, with which the United States have treaties; to have those districts accurately described; and, also, to make exchanges and purchases with such tribes, or parts of them, as may choose to remove; to give aid in the removal, and to contribute for a season, to their support, at their new places of residence. For which purpose the Committee ask leave to report a bill.

IN SENATE OF THE UNITED STATES,

MARCH 29, 1830.

Mr. SMITH, of Maryland, made the following report: The Committee on Finance, to which was referred a resolution of the 30th December, 1829, directing the committee to inquire into the expediency of establishing an uniform National Currency for the United States, and to report thereon to the Senate, report:

That nothing short of the imperative order of the Senate could induce the Committee to enter on a subject so surrounded with difficulty. They undertake it with diffidence and a distrust of their capacity to elucidate a subject that has engaged many nations, and the pens of the ablest writers, without, as yet, coming to any definite conclusion. It still remains to be determined, what is the soundest and most uniform currency. One nation assumes one system, another a different plan. In one nation, a plan is devised, and succeeds for a time, by prudent and restrictive emissions. Elated with success, larger and more extensive emissions are resorted to; a rapid nominal rise of all property takes place; the people are not aware that such nominal rise is the effect of depreciation; the bubble bursts, and ruin to the unsuspecting is the consequence. All history shows such a result in several nations, and particularly in that of the United States. The Committee, engaged on a variety of subjects, cannot devote so much time on the resolution as the mover must believe would be necessary to develop fully the question before them, to wit: A sound and uniform National Currency. Presuming, from the tenor of the resolution, that the uniform national currency proposed, must be prepared by the National Government, circulated under its authority, and maintained by its credit, the Committee have complied with the instruction of the Senate, by endeavoring to devise some plan, through which the agency of the Government in such a measure, could be safe, or useful; but, after giving to it all the consideration they could bestow, their reflections have resulted in a belief that any such measure must resolve itself, at last, into a mere system of paper money, issued by the Government. The resort to the issue of a paper money has been often the desperate expedient of the wants of a nation. It has then found its justification only in the necessity which created it; yet such are its inevitable evils, that every prudent Government has, the moment its pressing exigencies permitted, returned to the only safe basis of a circulating medium, the precious metals, and the private credits attached to the use of them. Such were the expedients of the Government of the United States, during its two wars; such its immediate abandonment of them at the return of peace. But,

in the present condition of the Treasury of the United States, with a revenue far beyond its wants, with a debt almost nominal, and hastening to its entire extinguishment, such a measure is not needed by the interests of Government, nor is there the slightest indication of its being demanded by the wants of the country. Of such an issue of paper money, the Executive at Washington would be the natural fountain—the agents of the Executive, the natural channels. The individuals, and corporations, and States, who borrowed it, must become debtors to the Government; and the inevitable consequence would be, the creation of a moneyed engine of direct dependence on the officers of Government, at variance with the whole scheme of our institutions. The limit to which this currency should be issued, the persons to whom it would be lent, the securities taken for its repayment, the places where it should be redeemed, involve great complication and great hazard, regarding it merely in a financial point of view, while, on more enlarged considerations of political expediency, the objections to it are, in the opinion of the Committee, insuperable and fatal.

Believing such a scheme to be impracticable, the Committee were consoled with the reflection that it is unnecessary, as they are satisfied that the country is in the enjoyment of an uniform National currency, not only sound and uniform in itself, and perfectly adapted to all the purposes of the Government and the community, but more sound and uniform than that possessed by any other country. The importance of this truth will justify the Committee in stating some details to establish it.

The currency of the United States, the only legal currency, is gold and silver; all debts to the Government, and all debts to individuals, being received in that medium, and in no other. As, however, the amount of coin requisite for these purposes would be unmanageable and inconvenient, the United States, like other commercial countries, have adopted the system of making credit supply many of the cases of coin; and numerous banking companies have been established, issuing notes, promising to pay on demand gold and silver. The Government of the United States has established one of a similar character; and for the convenience of the community, the public revenue is collected in gold and silver, the notes of the Bank of the United States, and the notes of such solvent State Banks as the Bank of the United States and its branches will receive as cash.

The currency, therefore, of the United States, in its relation to the Government of the United States, consists of gold and silver, and of notes equivalent to gold and silver. And the inquiry which naturally presents itself, is, whether this mixed mass of currency is sound and uniform for all the practical purposes of the Government and the trade of the Union. That it is so, will appear from the following facts:

1st. The Government receives its revenue from—

- 340 Custom Houses,
- 42 Land Offices,
- 8004 Post Offices,
- 132 Receivers of Internal Revenue,
- 37 Marshals,
- 33 Clerks of Courts.

These, with other receiving officers, which need not be specified, compose an aggregate of more than nine thousand persons, dispersed through the whole of the Union, who collect the public revenue. From these persons, the Government has, for the ten years preceding the 1st of January, 1830, received 230,068,855 17 dollars. This sum has been collected in every section of this widely extended country. It has been disbursed at other points, many thousand miles distant from the places where it was collected; and yet it has been so collected and distributed, without the loss, as far as the Committee

can learn, of a single dollar, and without the expense of a single dollar to the Government. That a currency, by which the Government has been thus enabled to collect and transfer such an amount of revenue to pay its army and navy, and all its expenses, and the national debt, is unsafe and unsound, cannot readily be believed; for there can be no surer test of its sufficiency, than the simple fact that every dollar, received in the form of a bank note, in the remotest parts of the interior, is, without charge, converted into a silver dollar, at every one of the vast number of places where the service of the Government requires its disbursement. The Secretary of the Treasury, in his report of the 6th of December, 1823, declares that, during the four years preceding, the receipts of the Government had amounted to more than ninety-seven millions of dollars, and that "all payments on account of the public debt, whether for interest or principal; all on account of pensions; all for the civil list; for the army, for the navy; or for whatever purpose wanted, in any part of the Union, have been punctually met." The same officer states, that "it is the preservation of a good currency that can alone impart stability to property, and prevent those fluctuations in its value, hurtful alike to individuals, and to national wealth. This advantage, the Bank has secured to the community, by confining within prudent limits its issues of paper, &c. &c."

2d. If this currency is thus sound and uniform for the Government, it is not less so to the community.

The basis of all good currency should be the precious metals, gold and silver; and in a mixed currency of paper circulating with gold or silver, and convertible into it, the great object to be attained is, that the paper should always be exchangeable for gold or silver. Such a currency is perfect, uniting the convenience of a portable material with the safety of a metallic medium. Now it cannot be doubted, that throughout this whole country, the circulating bank notes are equal to specie, and convertible into specie. There may be, and probably are, exceptions; because among banks, as among men, there are some who make a show of unreal strength. But it is a fact, so familiar to the experience of every citizen in the community, as to be undeniable, that, in all the Atlantic and commercial cities, and generally speaking, throughout the whole country, the notes of the State Banks are equal to gold or silver. The committee do not mean to say that there may not be too many banks, or that insolvencies do not occasionally occur among them; but as every bank which desires to maintain its character, must be ready to make settlements with the Bank of the United States, as the agent of the Government, or be immediately discredited, and must therefore keep its notes equal to gold or silver, there can be little danger to the community, while the issues of the banks are restrained from running to excess, by the salutary control of the Bank of the United States, whose own circulation is extremely moderate, compared with the amount of its capital. Accordingly, the fact is, that the general credit of the banks is good, and that their paper is always convertible into gold or silver, and for all local purposes forms a local currency equivalent to gold and silver. There is, however, superadded to this currency, a general currency more known, more trusted, and more valuable than the local currency, which is employed in exchanges between different parts of the country. These are the notes of the national bank. These notes are receivable for the Government, by the 9,000 receivers, scattered throughout every part of the country. *They are in fact, in the course of business, paid in gold or silver, though they are not legally, or necessarily so paid, by the branches of the bank in every section of the Union.* In all commercial places they are received, in all transactions, without any reduction in value, and never, un-

der any circumstances, does the paper, from the remotest branches, vary beyond a quarter of one per cent. in its actual exchange for silver. Here then, is a currency as safe as silver; more convenient, and more valuable than silver, which, through the whole Western and Southern and interior parts of the Union, is eagerly sought in exchange for silver; which, in those sections, often bears a premium paid in silver; which is throughout the Union equal to silver in payment to the Government, and payments to individuals in business; and with which, whenever silver is needed in any part of the country, will command it, without the charge of the slightest fraction of a per centage. By means of this currency, funds are transmitted at an expense less than in any other country. In no other country can a merchant do what every citizen of the United States can do—deposit, for instance, his silver at St. Louis, or Nashville, or New Orleans, and receive notes, which he can carry with him 1,000 or 1,500 miles, to the Atlantic cities, and receive for them an equivalent amount of silver, without any expense whatever; and in no possible event, an expense beyond a quarter of one per cent. If, however, a citizen does not wish to incur the anxiety of carrying these notes with him, or to run the hazard of the mail, he may, instead of them, receive a draft, payable to himself or his agent alone, so as to ensure the receipt of an equal amount, at an expense of not one-half, and often not one fourth, of the actual cost of carrying the silver. The owner of funds, for instance, at St. Louis or Nashville, can transfer them to Philadelphia for one-half per cent.; from New Orleans, generally without any charge at all—at most, one-half per cent.; from Mobile, from par to one-half per cent.; from Savannah, to one-half per cent.; and from Charleston, at from par to one quarter per cent.

This seems to present a state of currency approaching as near to perfection as could be desired: for here is a currency issued at twenty-four different parts of the Union, obtained by any citizen who has money or credit. When in his possession, it is equivalent to silver in all his dealings with all the 9000 agents of the government, throughout the Union. In all his dealings with the interior, it is better than silver; in all his dealings with the commercial cities, equal to silver; and if, for any purpose, he desires the silver with which he bought it, it is at his disposal, almost universally, without any diminution, and never more than a diminution of one quarter per cent. It is not easy to imagine, it is scarcely necessary to desire, any currency better than this.

It is not among its least advantages, that it bears a proper relation to the real business and exchanges of the country; being issued only to those whose credit entitles them to it, increasing with the wants of the active operations of society, and diminishing, as these subside, into comparative inactivity; while it is the radical vice of all Government paper to be issued without regard to the business of the community, and to be governed wholly by considerations of convenience to the Government.

After escaping so recently from the degradation of a depreciated paper currency, the committee would abstain from every thing which might, however remotely, revive it. The period is not remote when, in the language of the late Secretary of the Treasury, the country was oppressed by a "currency without any basis of coin, or other effective check, and of no value, as a medium of remittance or exchange, beyond the jurisdiction of the State whence it had been issued—a currency that not unfrequently imposed upon the Treasury the necessity of meeting, by extravagant premiums, the mere act of transferring the revenue, collected at one point, to defray unavoidable expense at another." It is still within the recollection of the Senate, when, at the seat of Government itself, specie could only be had at 20 or 22 per cent. in exchange for the bank paper promising to pay

specie; that for bank notes of Baltimore 2 per cent. were paid; for those of Philadelphia, 6 to 7 per cent.; for those of New York, 15 to 16 per cent.; and for those of Boston, 20 to 22 per cent.; ruinous inequalities, which have now happily disappeared.

3d. The soundness of the currency may be further illustrated by the present condition of the foreign exchanges.

Exchange on England is, at the present moment, more than 1 per cent. under par; that is, more than 1 per cent. in favor of the United States. This being the real fact, disguised by the common forms of quoting exchange on England at between 8 and 9 per cent. premium.

It would lead the committee too far from its present purpose to explain, that the original estimate of the American dollar, as being worth four shillings and six pence, and that, therefore, the English pound sterling is worth \$4 44, is wholly erroneous, and occasions a constant misapprehension of the real state of our intercourse with Great Britain. The Spanish dollar has not, for a century, been worth four and sixpence: the American dollar never was; and whatever artificial value we may assign to our coins, is wholly unavailing to them in the crucibles of London or Paris. According to the latest accounts from London, at the close of December last, the Spanish dollar, instead of being worth four shillings and sixpence, or 54 pence, was worth only 49½ pence; the American dollar at least one fourth per cent. less; so that, to produce one hundred times four and sixpence, it would be necessary to send to England, not 100 dollars, but 109 6¼ Spanish Dollars, or 109 25 of the United States dollar. If to this be added the expenses and charges of sending the money and converting it into English gold, it will cost 111; so that 111 is, at this moment the real par of exchange between the United States and England. If, therefore, a bill at sight can be procured for less than this sum, or a bill at sixty days for one per cent. less, say 110 per cent. it is cheaper than sending silver; that is to say: he who has silver to send to England can purchase a bill on London for a greater amount than he would get if he shipped the silver itself, and of course exchange would be in favor of the United States against England. Now, such bills can be bought at a less rate, by more than one per cent. in every city in the United States.

The fact is conclusive as to the state of the currency. If the bank notes of the country were not equal to specie, specie would be at a premium, which it no where is at present. If the currency were unsound, more must be paid of that currency in order to produce an equal amount of coin in another country, where these bank notes do not circulate. But if, as is the case at present, the bank notes are convertible into specie: if you can buy with bank notes as much as you can buy with silver; and if, in the transactions of the country abroad, the merchants, who, if the notes were not equal to coin, would go to the bank and ship the coin, can pay as much debt in foreign countries with the notes as by sending the coin; there seems nothing wanting to complete the evidence of the soundness and uniformity of the currency.

On the whole, the committee are of opinion that the present state of the currency is safe for the community, and eminently useful to the government; that, for some years past, it has been improving by the infusion into the circulating medium of a larger portion of coin, and the substitution of the paper of more solvent banks in lieu of those of inferior credit; and that, if left to the progress of existing laws and institutions, the partial inconveniences, which still remain, of the paper currency of the last war, will be wholly and insensibly remedied. Under these circumstances, they deem it prudent to abstain from all legislation; to abide by the practical good

which the country enjoys, and to put nothing to hazard by doubtful experiments.

The committee submit, for the information of the Senate, certain questions propounded to the President of the Bank of the United States, together with his answers thereto, and a document furnished by that officer, showing the rates of exchange at which drafts are drawn by the Bank of the United States and its offices of discount and deposit; and ask to be discharged from the further consideration of the subject.

Questions submitted to the President of the Bank of the United States, with his answers.

Question 1. When the Bank went into operation, was not Philadelphia paper ten per cent. worse than Boston, and that much better than Baltimore?

Answer. Philadelphia paper was 17 per cent. worse than Boston—9 to 9½ worse than New York paper—4½ better than Baltimore.

Q. 2. Were not the State Banks indebted to the Government in large sums, which they could not have paid in sound currency? If so, to what amount? And did not the Bank in many instances assume those debts, and pay them in sound currency, (if so, to what amount?) and indulge those Banks until it was convenient for them to pay? and did not the Bank lose money by such indulgence?

A. In the years 1817 and 1818, the Government transferred to the Bank at Philadelphia, from the state institutions, \$7,472,419 87, which was cashed, and \$3,336,691 67 of special deposits, to be collected by the bank, making \$10,809,111 54. The loss sustained by the bank, I cannot estimate. I should willingly compromise for a loss of only \$200,000.

Q. 3. Has the bank at any time oppressed any of the State banks?

A. Never. There are very few banks which might not have been destroyed by an exertion of the powers of the bank. None have ever been injured. Many have been saved. And more have been, and are constantly relieved, when it is found that they are solvent, but are suffering under temporary difficulty.

Q. 4. When a State bank becomes indebted to the bank to an improper extent, what course do you pursue? Do you let them go beyond a certain amount, and what is that amount?

A. The great object is to keep the State Banks within proper limits; to make them shape their business according to their means. For this purpose they are called upon to settle; never forced to pay specie, if it can be avoided, but payment is taken in their bills of exchange, or suffered to lie occasionally until the bank can turn round; no amount of debt is fixed, because the principle we wish to establish is, that every bank should always be ready to provide for its notes.

Q. 5. If you give drafts on any of the branches, or from one branch on another, or on the mother bank, what is the commission charged?

A. The charge for drafts is less than the transportation of specie. I send a detailed statement on this point.

Q. 6. Do you, and at every branch, pay specie on demand? Has there ever been a refusal?

A. Never.

Q. 7. Can you state whether specie is more or less abundant in the United States at present, than at any former period?

A. At the present moment, I think specie is more abundant than usual. It comes in as usual. And the state of the exchanges with Europe is such, that it is cheaper to buy bills than to ship coin. The bank had, on the first instant, \$7,608,000, which is more than it has had for nine years past.

Q. 8. When the debt is annually paid off to foreigners, do they remit in specie or bills of exchange? Do you supply the means in either way?

A. When foreigners are paid off, a part is remitted in other stocks, a part goes in bills, a considerable portion of which are bills of the bank. Specie is never resorted to unless the bill market is so high as to make that mode of remittance cheaper.

Q. 9. Since you commenced the purchase and sale of bills of exchange, has the rate varied; if so, to what extent?

A. The operations of the Bank in exchanges has had the effect of preventing the great fluctuations to which they were previously liable.

Q. 10. What is the reason that exchange on England continues above what was formerly considered the par, that is, the dollar value at 4s. 6d. sterling? Is it that the intrinsic value of the dollar has been found to be less than 4s. 6d.? If so, what is that intrinsic value?

A. The reason is, that we choose to call our dollar 4s. 6d. when it never has been worth four and six pence, and of course, when it goes abroad, it is estimated, not by the name we give it, but according to its real value.

HOUSE OF REPRESENTATIVES.

APRIL 13, 1830.

BANK OF THE UNITED STATES.

Mr. McDUFFIE, from the Committee of Ways and Means, to which the subject had been referred, made the following Report :

The Committee of Ways and Means, to whom was referred so much of the Message of the President as relates to the Bank of the United States, beg leave to report :

That they have bestowed upon the subject all the attention demanded by its intrinsic importance, and now respectfully submit the result of their deliberations to the consideration of the House. There are few subjects, having reference to the policy of an established government so vitally connected with the health of the body politic, or in which the pecuniary interests of society are so extensively and deeply involved. No one of the attributes of sovereignty carries with it a more solemn responsibility, or calls in requisition a higher degree of wisdom, than the power of regulating the common currency, and thus fixing the general standard of value for a great commercial community, composed of confederated States.

Such being, in the opinion of the Committee, the high and delicate trust exclusively committed to Congress by the Federal Constitution, they have proceeded to discharge the duty assigned to them with a corresponding sense of its magnitude and difficulty.

The most simple and obvious analysis of the subject, as it is presented by the message of the President, exhibits the following questions for the decision of the National Legislature:

I. Has Congress the constitutional power to incorporate a bank, such as that of the United States?

II. Is it expedient to establish and maintain such an institution?

III. Is it expedient to establish "a National Bank, founded upon the credit of the Government and its revenues?"

1. If the concurrence of all the departments of the Government, at different periods of our history, under every administration, and during the ascendancy of both the great political parties, into which the country was divided, soon after the adoption of the present Constitution, shall be regarded as having the authority ascribed to such sanctions by the common consent of all well regulated communities, the constitutional power of Congress to incorporate a bank may be assumed as a postu-

late no longer open to controversy. In little more than two years after the Government went into operation, and at a period when most of the distinguished members of the Federal Convention, were either in the Executive or Legislative councils, the act, incorporating the first bank of the United States, passed both branches of Congress by large majorities, and received the deliberate sanction of President Washington, who had then recently presided over the deliberations of the Convention. The constitutional power of Congress to pass the act of incorporation was thoroughly investigated, both in the Executive Cabinet and in Congress, under circumstances, in all respects, propitious to a dispassionate decision. There was, at that time, no organization of political parties, and the question was, therefore, decided by those, who, from their knowledge and experience, were peculiarly qualified to decide correctly; and who were entirely free from the influence of that party excitement and prejudice, which would justly impair, in the estimation of posterity, the authority of a legislative interpretation of the constitutional charter. No persons can be more competent to give a just construction to the Constitution, than those who had a principal agency in framing it; and no administration can claim a more perfect exemption from all those influences which, sometimes, pervert the judgments, even of the most wise and patriotic, than that of the Father of his Country, during the first term of his service.

Such were the circumstances, under which all the branches of the National Legislature solemnly determined that the power of creating a National Bank was vested in Congress by the Constitution. The bank thus created, continued its operations for twenty years—the period for which its charter was granted—during which time, public and private credit were raised, from a prostrate, to a very elevated condition, and the finances of the nation were placed upon the most solid foundation.

When the charter expired, in 1811, Congress refused to renew it, principally owing, as the Committee believe, to the then existing state of political parties. Soon after the bank was chartered, the two great parties that have since divided the country, began to assume an organized existence. Mr. Jefferson and Mr. Madison, the former in the Executive Cabinet, and the latter in Congress, had been opposed to the establishment of the bank, on constitutional grounds, and being placed at the head of the party most unfavorable to the extension of the powers of the Government, by implication, the bank question came to be regarded as, in some degree, the test of political principle.

When Mr. Jefferson came into power, upon the strong tide of a great political revolution, the odium of the alien and sedition laws was, in part, communicated to the Bank of the United States; and, although he gave his official sanction to an act, creating a new branch of that institution at New Orleans, and to another to punish the counterfeiting of its bills, yet, when the question of renewing the charter came before Congress, it was discussed as a party question. And, though some of the most distinguished republicans, including Mr. Gallatin, then Secretary of the Treasury, and Mr. Crawford, then a member of the Senate, were decidedly in favor of a renewal, sustaining the measure by able arguments, the votes in both branches of Congress were distinctly marked as party votes. At no time, since the commencement of the Government, has there existed a more violent party excitement, than that which marked the period under review. It was the period of the embargo, non-intercourse, and other commercial restrictions; when the indiscriminating opposition of the leaders of the Federal party, to the measures adopted by the Administration, to vindicate our rights against British aggression, had caused the great majority of the American

People to view these leaders as the apologists of a nation, already regarded in the light of a public enemy. When, to these circumstances we add, that the stock of the Bank was principally held by British subjects, and Americans of the unpopular party, the House will readily perceive how great were the national and party prejudices, which must have been arrayed against the proposition to renew its charter. It was stated by Mr. Clay, in a speech delivered in the Senate, that seven-tenths of the stock belonged to British subjects, and that certain English noblemen, and a late Lord Chancellor, were among the very largest of the stock-holders. With all these difficulties to encounter, the proposition for renewing the charter was lost only by the casting vote of the President of the Senate, and by a majority of a single vote in the House of Representatives.

In less than three years after the expiration of the charter—the war with Great Britain having taken place in the mean time—the circulating medium became so disordered, the public finances so deranged, and the public credit so impaired, that the enlightened patriot, Mr. Dallas, who then presided over the Treasury Department, with the sanction of Mr. Madison, and, as it is believed, every member of the Cabinet, recommended to Congress the establishment of a National Bank, as the only measure by which the public credit could be revived, and the fiscal resources of the Government redeemed from a ruinous, and otherwise incurable embarrassment; and such had been the impressive lesson taught by a very brief, but fatal experience, that the very institution, which had been so recently denounced and rejected by the Republican party, being now recommended by a Republican Administration, was carried through both branches of Congress as a Republican measure, by an overwhelming majority of the Republican party. It is true, that Mr. Madison did not approve and sign the bill which passed the two Houses, because it was not such a bill as had been recommended by the Secretary of the Treasury, and because the Bank it proposed to create, was not calculated, in the opinion of the President, to relieve the necessities of the country.

But he premised his objections to the measure, by "waiving the question of the constitutional authority of the Legislature to establish an incorporated bank, as being precluded, in his opinion, by repeated recognitions, under varied circumstances, of the validity of such an institution in acts of the Legislative, Executive, and Judicial branches of the Government, accompanied by indications, in different modes of a concurrence of the general will of the nation." Another bill was immediately introduced, and would in all probability have become a law, had not the news of peace, by doing away the pressure of the emergency, induced Congress to suspend further proceedings on the subject, until the ensuing session. At the commencement of that session, Mr. Madison invited the attention of Congress to the subject, and Mr. Dallas again urged the necessity of establishing a bank, to restore the currency, and facilitate the collection and disbursement of the public revenue; and so deep and solemn was the conviction upon the minds of the public functionaries, that such an institution was the only practicable means of restoring the circulating medium to a state of soundness, that, notwithstanding the decided opposition of all the State banks and their debtors, and indeed, the whole debtor class of the community, the act, incorporating the present Bank of the United States was passed by considerable majorities in both branches of Congress, and approved by Mr. Madison.

This brief history of the former and present bank, forcibly suggests a few practical reflections. It is to be remarked, in the first place, that since the adoption of the Constitution, a bank has existed under the authority of the Federal Government, for thirty-three out of forty

years; during which time, public and private credit have been maintained at an elevation fully equal to what has existed in any nation in the world; whereas, in the two short intervals, during which no national bank existed, public and private credit were greatly impaired, and, in the latter instance, the fiscal operations of the Government were almost entirely arrested. In the second place, it is worthy of special notice, that, in both the instances in which Congress has created a bank, it has been done under circumstances calculated to give the highest authority to the decision. The first instance, as has been already remarked, was in the primitive days of the Republic, when the patriots of the Revolution, and the sages of the Federal Convention, were the leading members both of the Executive and Legislative councils; and when General Washington, who, at the head of her armies, had conducted his country to Independence, and, as the head of the Convention, had presided over those deliberations which resulted in the establishment of the present Constitution, was the acknowledged President of a people, undistracted by party divisions. The second instance was under circumstances of a very different but equally decisive character. We find the very party which had so recently defeated the proposition to renew the charter of the old bank, severely schooled both by adversity, and experience, magnanimously sacrificing the pride of consistency, and the prejudices of party, at the shrine of patriotism. It may be said without disparagement, that an assembly of higher talent and purer patriotism has never existed since the days of the Revolution, than the Congress by which the present bank was incorporated. If ever a political party existed of which it might be truly said, that "all the ends they aimed at were their country's," it was the republican party of that day. They had just conducted the country through the perils of war, waged in defence of her rights and honor, and, elevating their views far above the narrow and miserable ends of party strife, sought only to advance the permanent happiness of the people. It was to this great end that they established the present bank.

In this review, it will be no less instructive than curious, to notice some of the changes made in the opinions of prominent men, yielding to the authority of experience. Mr. Madison, who was the leading opponent of the bank created in 1791, recommended and sanctioned the bank created in 1816; and Mr. Clay, who strenuously opposed the renewal of the charter in 1811, as strenuously supported the proposition to grant the charter, in 1816.

That may be said of the bank charter, which can be said of few contested questions of constitutional power. Both the great political parties that have so long divided the country, have solemnly pronounced it to be constitutional, and there are but very few of the prominent men of either party, who do not stand committed in its favor. When to this imposing array of authorities, the committee add the solemn and unanimous decision of the Supreme Court, in a case which fully and distinctly submitted the Constitutional question to their cognizance, may they not ask, in the language of Mr. Dallas, "can it be deemed a violation of the right of private opinion to consider the constitutionality of a national bank as a question forever settled and at rest?"

And here the committee beg to be distinctly understood, as utterly disclaiming the idea of ascribing to the decision of any, or of all the departments of the government, upon a great constitutional question, the binding authority which belongs to judicial precedents, in cases of mere private right, depending upon the construction of the ordinary acts of the legislature. No length of prescription, or concurrence of authority, can consecrate the usurpation of powers subversive of public liberty, and destructive of public happiness. But, where the power exercised is clearly conducive to the public wel-

fare, and its constitutionality is merely doubtful, it would seem to be one of the most obvious dictates of practical wisdom, to regard the decision of those who had the best means of ascertaining the intention of the Constitution, and who were actuated by the most undoubted purity and disinterestedness of motive, as of sufficient authority at least to overrule theoretical objections, and silence individual scruples.

The committee will now submit a few remarks, with the design of shewing, that viewing the constitutionality of the bank as an original question, the arguments in its favor are at least as strong as those against it.

The earliest, and the principal objection urged against the constitutionality of a national bank, was, that Congress had not the power to create corporations. That Congress has a distinct and substantive power to create corporations, without reference to the objects entrusted to its jurisdiction, is a proposition which never has been maintained, within the knowledge of the committee; but, that any one of the powers expressly conferred upon Congress, is subject to the limitation, that it shall not be carried into effect by the agency of a corporation, is a proposition which cannot be maintained, in the opinion of the committee.

If Congress, under the authority to pass all laws, necessary and proper for carrying into effect the powers vested in all or any of the departments of the Government, may rightfully pass a law inflicting the punishment of death, *without any other authority*, it is difficult to conceive why it may not pass a law, under the same authority, for the more humble purpose of creating a corporation. The power of creating a corporation is one of the lowest attributes, or, more properly speaking, incidents, of sovereign power. The chartering a bank, for example, does not authorize the corporation to do any thing, which the individuals composing it might not do without the charter. It is the right of every individual of the Union to give credit to whom he chooses, and to obtain credit where he can get it. It is not the policy of any commercial country to restrict the free circulation of credit, whether in the form of promissory notes, bills of exchange, or bank notes. The charter of the Bank of the United States, therefore, merely enables the corporation to do, in an artificial capacity, and with more convenience, what it would be lawful for the individual corporators to do without incorporation. Mr. Girard established a bank in Philadelphia without a charter, which was in very high credit within the sphere of its circulation; and it cannot be doubted, that he might have formed a banking copartnership with the principal capitalists in the other commercial cities of the Union, of which the bills would have had a general credit in every part of the country, particularly if the Federal Government had provided that these bills should be received in discharge of its dues. The only material particular in which the charter of the Bank of the United States confers a privilege upon the corporation, apparently inconsistent with the State laws, is, the exemption of the individual property of the corporators from responsibility—for the debts of the corporation. But, if the community deal with the bank, knowing that the capital subscribed is alone liable for its debts, no one can complain either of imposition or injury; and, in point of fact, no one ever has complained on that score, or ever will. The real complaint against the bank, is not that it has not a sufficient basis for its credit, but that its credit is too extensive. The objection lies, therefore, not against the artificial character communicated to the stockholders by the charter, but against the pecuniary operations of the bank itself. Now, these operations consist in the use of its own capital—a faculty not surely derived from the Government, but, in the exercise of which, the Government imposes many useful restrictions for the benefit of itself and of the community.

The committee have presented this brief analysis of a bank corporation, with the view of showing that there is nothing in the nature of the thing which renders it unfit to be an instrument in the hands of a government, admitted to be sovereign in its appropriate sphere, for carrying into effect powers expressly delegated.

It now remains for the committee to show that the Bank of the United States is a "necessary and proper," or, in other words, a natural and appropriate means, of executing the powers vested in the Federal Government. In the discussion of 1791, and also in that before the Supreme Court, the powers of raising, collecting, and disbursing the public revenue, of borrowing money on the credit of the United States, and paying the public debt, were those which were supposed most clearly to carry with them the incidental right of incorporating a bank, to facilitate these operations. There can be no doubt that these fiscal operations are greatly facilitated by a bank, and it is confidently believed, that no person has presided twelve months over the Treasury, from its first organization to the present time, without coming to the conclusion, that such an institution is exceedingly useful to the public finances in time of peace, but indispensable in time of war. But as this view of the question has been fully unfolded in former discussions, familiar to the House, the committee will proceed to examine the relation which the Bank of the United States bears to another of the powers of the Federal Government, but slightly adverted to in former discussions of the subject.

The power to "coin money and fix the value thereof," is expressly and exclusively vested in Congress. This grant was evidently intended to invest Congress with the power of regulating the circulating medium. "Coin" was regarded, at the period of framing the Constitution, as synonymous with "currency," as it was then generally believed that bank notes could only be maintained in circulation by being the true representative of the precious metals. The words "coin," therefore, must be regarded as a particular term, standing as the representative of a general idea. No principle of sound construction will justify a right adherence to the letter, in opposition to the plain intention of the clause. If, for example, the gold bars of Ricardo should be substituted for our present coins, by the general consent of the commercial world, could it be maintained that Congress would not have the power to make such money, and fix its value, because it is not "coined?" This would be sacrificing sense to sound, and substance to mere form. This clause of the Constitution is analogous to that which gives Congress the power "to establish post roads." Giving to the word "establish" its restricted interpretation, as being equivalent to "fix," or "prescribe," can it be doubted that Congress has the power to establish a canal, or a river, as a post route, as well as a road? Roads were the ordinary channels of conveyance, and the term was, therefore, used as synonymous with "routes," whatever might be the channel of transportation, and, in like manner, "coin," being the ordinary and most known form of a circulating medium, that term was used as synonymous with currency.

An argument in favor of the view just taken, may be fairly deduced from the fact, that the States are expressly prohibited from "coining money, or emitting bills of credit," and from "making any thing but gold and silver a lawful tender in payment of debts." This strongly confirms the idea, that the subject of regulating the circulating medium, whether consisting of coin or paper, was, at the same time that it was taken from the control of the States, vested in the only depository in which it could be placed, consistently with the obvious design of having a common measure of value throughout the Union.

But, even if it should be conceded, that the grant of power to "coin money and fix the value thereof" does not, in its terms, give Congress the power of regulating any other than the "coined" currency of the Union, may not the power of regulating any substituted currency, and especially one which is the professed representative of coin, be fairly claimed as an incidental power—as an essential means of carrying into effect the plain intention of the Constitution, in clothing Congress with the principal power? This power was granted in the same clause with that to regulate weights and measures, and for similar reasons. The one was designed to ensure a uniform measure of value, as the other was designed to ensure a uniform measure of quantity. The former is decidedly the more important, and belongs essentially to the General Government, according to every just conception of our system. A currency of uniform value is essential to what every one will admit to be of cardinal importance, a the equal action of our revenue system, upon the different parts of the Union. The state of things which existed when the bank was incorporated, furnished a most pregnant commentary on this clause of the Constitution. The currency of the country consisted of the paper of local banks, variously depreciated. At one of the principal seaports the local currency was twenty per cent. below par. Now it was in vain for Congress to regulate the value of coin, when the actual currency, professing to be its equivalent, bore no fixed relation to it. This great and essential power of fixing the standard of value, was, in point of fact, taken from Congress, and exercised by some hundreds of irresponsible banking corporations, with the strongest human motives to abuse it, because their enormous profits resulted from the abuse. The power of laying and collecting imposts and excises is expressly subject to the condition, that they "shall be uniform throughout the United States;" and it is also provided, that no preference shall be given, by any regulation of commerce, or revenue, to the ports of one State over those of another." Now, when it is known that the circulating medium of Baltimore was twenty per cent. below the value of the circulating medium of Boston, is it not apparent that an impost duty, though nominally uniform, would, in effect, make a discrimination in favor of Baltimore, proportioned to the depreciation of the local currency? Congress, therefore, not only had the power, but, as it seems to the Committee, were under the most solemn constitutional obligations to restore the disordered currency; and the Bank of the United States was not only an appropriate means for the accomplishment of that end, but, in the opinion of the Committee, the only safe and effectual means that could have been used. This view of the subject is in full accordance with the opinions of Mr. Madison, as expressed in his message of December, 1816. "But," says he, "for the interest of the community at large, as well as for the purposes of the Treasury, it is essential that the Nation should possess a currency of equal value, credit, and use, wherever it may circulate. The Constitution has entrusted Congress, exclusively, with the power of creating and regulating a currency of that description, and the measures which were taken, during the last Session, in execution of the power, give every promise of success. The Bank of the United States, under auspices the most favorable, cannot fail to be an important auxiliary."

Such are the authorities, and such the arguments which have brought the Committee to the conclusion, that the power to incorporate a bank is incidental to the powers of collecting and disbursing the public revenue, of borrowing money on the credit of the United States, of paying the public debt; and, above all, of fixing and regulating the standard of value, and thereby ensuring at least so far as the medium of payment is concerned, the uniformity and equality of taxation.

II. The next question proposed for consideration, is the expediency of establishing an incorporated bank, with a view to promote the great ends already indicated. In discussing the constitutionality of such a measure, some of the considerations which render it expedient have been slightly unfolded. But these require a more full and complete development, while others remain to be presented.

It must be assumed as the basis of all sound reasoning on this subject, that the existence of a paper currency, issued by banks deriving their charters from the State Governments, cannot be prohibited by Congress. Indeed, bank credit and bank paper, are so extensively interwoven with the commercial operations of society, that even if Congress had the constitutional power, it would be utterly impossible to produce so entire a change in the monetary system of the country, so as to abolish the agency of banks of discount, without involving the community in all the distressing embarrassments usually attendant on great political revolutions; subverting the titles to private property. The sudden withdrawal of some hundred millions of bank credit would be equivalent, in its effects, to the arbitrary and despotic transfer of the property of one portion of the community to another, to the extent, probably, of half that amount. Whatever, therefore, may be the advantages of a purely metallic currency, and whatever the objections to a circulating medium, partly composed of bank paper, the committee consider that they are precluded, by the existing state of things, from instituting a comparison between them, with a view to any practical result.

If they were not thus precluded, and it were submitted to them as an original question, whether the acknowledged and manifold facilities of bank credit and bank paper, are not more than counterbalanced by the distressing vicissitudes in trade incident to their use, they are by no means prepared to say, that they would not give a decided preference to the more costly and cumbersome medium.

But the question really presented for their determination, is not between a metallic and a paper currency, but between a paper currency of uniform value, and subject to the control of the only power competent to its regulation, and a paper currency of varying and fluctuating value, and subject to no common or adequate control whatever. On this question it would seem that there could scarcely exist a difference of opinion; and that this is substantially the question involved in considering the expediency of a National Bank, will satisfactorily appear by a comparison of the state of the currency previous to the establishment of the present bank, and its condition for the last ten years.

Soon after the expiration of the charter of the first Bank of the United States, an immense number of local banks sprung up under the pecuniary exigencies produced by the withdrawal of so large an amount of bank credit, as necessarily resulted from the winding up of its concerns; an amount falling very little short of fifteen millions of dollars. These banks being entirely free from the salutary control which the Bank of the United States had recently exercised over the local institutions, commenced that system of imprudent trading and excessive issues, which speedily involved the country in all the embarrassments of a disordered currency. The extraordinary stimulus of a heavy war expenditure, derived principally from loans, and a corresponding multiplication of local banks, chartered by the double score in some of the States, hastened the catastrophe which must have occurred, at no distant period, without these extraordinary causes. The last year of the war presented the singular and melancholy spectacle of a nation abounding in resources, a people abounding in self-devoting patriotism, and a Government reduced to the very brink of avowed bankruptcy,

solely for the want of a national institution, which, at the same time that it would have facilitated the Government loans and other Treasury operations, would have furnished a circulating medium of general credit in every part of the Union. In this view of the subject, the Committee are fully sustained by the opinion of Mr. Dallas, then Secretary of the Treasury, and by the concurring and almost unanimous opinions of all parties in Congress: for, whatever diversity of opinion prevailed, as to the proper basis and organization of a bank, almost every one agreed, that a national bank, of some sort, was indispensably necessary to rescue the country from the greatest of financial calamities.

The Committee will now present a brief exposition of the state of the currency at the close of the war, of the injury which resulted from it, as well to the Government as to the community, and their reasons for believing that it could not have been restored to a sound condition, and cannot now be preserved in that condition, without the agency of such an institution as the Bank of the United States.

The price current appended to this report will exhibit a scale of depreciation in the local currency, ranging through various degrees to twenty, and even to twenty-five per cent. Among the principal Eastern cities, Washington and Baltimore were the points at which the depreciation was greatest. The paper of the banks in these places, was from 20 to 22 per cent. below par. At Philadelphia the depreciation was considerably less, though even there it was from 17 to 18 per cent. In New York and Charleston, it was from 7 to 10 per cent. But in the interior of the country, where banks were established, the depreciation was even greater than at Washington and Baltimore. In the Western part of Pennsylvania, and particularly at Pittsburg, it was 25 per cent. These statements, however, of the relative depreciation of bank paper at various places, as compared with specie, give a very inadequate idea of the enormous evils inflicted upon the community, by the excessive issues of bank paper. No proposition is better established than that the value of money, whether it consists of specie or paper, is depreciated in exact proportion to the increase of its quantity, in any given state of the demand for it. If, for example, the banks, in 1816, doubled the quantity of the circulating medium by their excessive issues, they produced a general degradation of the entire mass of the currency, including gold and silver, proportioned to the redundancy of the issues, and wholly independent of the relative depreciation of bank paper at different places, as compared with specie. The nominal money price of every article was of course one hundred per cent. higher than it would have been, but for the duplication of the quantity of the circulating medium. Money is nothing more nor less than the measure by which the relative value of all articles of merchandise is ascertained. If, when the circulating medium is fifty millions, an article should cost one dollar, it would certainly cost two, if, without any increase of the uses of a circulating medium, its quantity should be increased to one hundred millions. This rise in the price of commodities, or depreciation in the value of money, as compared with them, would not be owing to the want of credit in the bank bills, of which the currency happened to be composed. It would exist, though these bills were of undoubted credit, and convertible into specie at the pleasure of the holder, and would result simply from the redundancy of their quantity. It is important to a just understanding of the subject, that the relative depreciation of bank paper at different places, as compared with specie, should not be confounded with this general depreciation of the entire mass of the circulating medium, including specie. Though closely allied, both in their causes and effects, they deserve to be separately considered.

The evils resulting from the relative depreciation of bank paper at different places, are more easily traced to their cause, more palpable in their nature, and consequently more generally understood by the community. Though much less ruinous than the evils resulting from the general depreciation of the whole currency, they are yet of sufficient magnitude to demand a full exposition.

A very serious evil, already hinted at, which grew out of the relative depreciation of bank paper, at the different points of importation, was its inevitable tendency to draw all the importations of foreign merchandise to the cities where the depreciation was greatest; and divert them from those where the currency was comparatively sound. If the Bank of the United States had not been established, and the Government had been left without any alternative but to receive the depreciated local currency, it is difficult to imagine the extent to which the evasion of the revenue laws would have been carried. Every State would have had an interest to encourage the excessive issues of its bank, and increase the degradation of its currency, with a view to attract foreign commerce. Even in the condition which the currency had reached in 1816, Boston, and New York, and Charleston, would have found it advantageous to derive their supplies of foreign merchandise through Baltimore; and commerce would undoubtedly have taken that direction had not the currency been corrected. To avoid this injurious diversion of foreign imports, Massachusetts, and New York, and South Carolina, would have been driven, by all the motives of self defence and self-interest, to degrade their respective currencies at least to a par with the currency of Baltimore; and thus, a rivalry in the career of depreciation would have sprung up, to which no limit can be assigned. As the tendency of this state of things would have been to cause the largest portion of the revenue to be collected at a few places, and in the most depreciated of the local currency, it would have followed that a very small part of that revenue would have been disbursed at the points where it was collected. The Government would consequently have been compelled to sustain a heavy loss upon the transfer of its funds to the points of expenditure. The annual loss which would have resulted from these causes alone, cannot be estimated at a less sum than two millions of dollars.

But the principal loss which resulted from the relative depreciation of bank paper at different places, and its want of general credit, was that sustained by the community in the great operations of commercial exchange. The extent of these operations annually, may be safely estimated at sixty millions of dollars. Upon this sum the loss sustained by the merchants, and planters, and farmers, and manufacturers, was not probably less than an average of ten per cent. being the excess of the rate of exchange beyond its natural rate in a sound state of the currency, and beyond the rate to which it has been actually reduced by the operations of the Bank of the United States. It will be thus perceived, that an annual tax of six millions of dollars was levied from the industrious and productive classes, by the large moneyed capitalists in our commercial cities, who were engaged in the business of brokerage. A variously depreciated currency, and a fluctuating state of the exchanges, open a wide and abundant harvest to the money brokers; and it is not, therefore, surprising, that they should be opposed to an institution, which, at the same time that it has relieved the community from the enormous tax just stated, has deprived them of the enormous profits which they derived from speculating in the business of exchange. In addition to the losses sustained by the community, in the great operations of exchange, extensive losses were suffered throughout the interior of the country, in all the

smaller operations of trade, as well as by the failure of the numerous paper banks, puffed into a fictitious credit by fraudulent artifices, and having no substantial basis of capital to ensure the redemption of their bills.

But no adequate conception can be formed of the evils of a depreciated currency, without looking beyond the relative depreciation, at different places, to the general depreciation of the entire mass. It appears from the report of Mr. Crawford, the Secretary of the Treasury in 1820, that during the general suspension of specie payments, by the local banks, in the years 1815 and 1816, the circulating medium of the United States had reached the aggregate amount of one hundred and ten millions of dollars, and that, in the year 1819, it had been reduced to forty-five millions of dollars, being a reduction of fifty-nine per cent, in the short period of four years. The committee are inclined to the opinion, that the severe and distressing operation of restoring a vicious currency to a sound state, by the calling in of bank paper, and the curtailment of bank discounts, had carried the reduction of the currency, in 1819, to a point somewhat lower than was consistent with the just requirements of the community for a circulating medium, and that the bank discounts have been gradually enlarged since that time, so as to satisfy those requirements. It will be assumed, therefore, that the circulating medium of the United States has been fifty-five millions of dollars for the last ten years, taking the average.

Even upon this assumption, it will follow, that the national currency has been one hundred per cent. more valuable for the last ten years, than it was in 1816. In other words, two dollars would purchase no more of any commodity in 1816, than one dollar has been capable of purchasing at any time since 1819. It is obvious, therefore, that the depreciation of the paper of particular banks, at any particular time, as compared with specie, furnishes no criterion by which to ascertain the general depreciation of the whole currency, including specie, as compared with the value of that currency at a different period. A specie dollar in 1816, would purchase no more than half as much as a paper dollar will purchase at present.

Having endeavored to explain, thus briefly, the general depreciation resulting from a redundant currency, the Committee will now proceed to point out some of the injurious consequences which have resulted from those great changes in the standard of value, which have been unavoidably produced by the correction of the redundancy.

An individual who borrowed a sum of money in 1816, and paid it in 1820, evidently returned to the lender double the value received from him; and one who paid a debt in 1820, which he had contracted in 1816, as evidently paid double the value he had stipulated to pay, though nominally the same amount in money. It is in this way that fluctuations in the quantity and value of the currency interfere, in the most unjust and injurious manner, between debtor and creditor.

And when banks have the power of suspending specie payments, and of arbitrarily contracting and expanding their issues, without any general control, they exercise a more dangerous and despotic power over the property of the community, than was ever exercised by the most absolute government. In such a state of things, every man in the community holds his property at the mercy of money-making corporations, which have a decided interest to abuse their power.

By a course of liberal discounts and excessive issues for a few years, followed by a sudden calling in of their debts and contraction of their issues, they would have the power of transferring the property of their debtors to themselves, almost without limit. Debts contracted when their discounts were liberal, and the currency of

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course depreciated, would be collected when their discounts were almost suspended, and the currency of course unnaturally appreciated; and in this way the property of the community might pass under the hammer, from its rightful owners to the banks, for less than one half its intrinsic value. If the committee have not greatly mistaken the matter, there is more of history than of speculation in what they have here presented to the consideration of the House.

It is impossible to form any thing like an accurate estimate of the injuries and losses sustained by the community, in various ways, by the disorders and fluctuations of the currency, in the period which intervened between the expiration of the old bank charter and the establishment of the present bank. But some tolerable notion may be formed of the losses sustained by the Government, in its fiscal operations, during the war.

The committee have given this part of the subject an attentive and careful examination, and they cannot estimate the pecuniary losses of the Government, sustained exclusively for the want of a sound currency, and an efficient system of finance, at a sum less than forty six millions of dollars. If they shall make this apparent, the House will have something like a standard for estimating the individual losses of the community.

The Government borrowed, during the short period of the war, eighty millions of dollars, at an average discount of fifteen per cent., giving certificates of stock, amounting to eighty millions of dollars, in exchange for sixty-eight millions of dollars, in such bank paper as could be obtained. In this statement, Treasury notes are considered as stock, at twenty per cent. discount. Upon the very face of the transaction, therefore, there was a loss of twelve millions of dollars, which would in all probability have been saved, if the Treasury had been aided by such an institution as the Bank of the United States. But the sum of sixty-eight millions of dollars received by the Government, was in a depreciated currency, not more than half as valuable as that in which the stock given in exchange for it has been and will be redeemed. Here, then, is another loss of thirty four millions, resulting, incontestably and exclusively, from the depreciation of the currency, and making, with the sum lost by the discount, forty-six millions of dollars. While, then, the Government sustained this great pecuniary loss in less than three years of war, amounting annually to more than the current expenses of the Government in time of peace, it is worth while to inquire, who were the persons who profited to this enormous amount by the derangement of the currency? It will be found that the whole benefit of this speculation upon the necessities of the Government, was realized by stockjobbers and money brokers, the very same class of persons who profited so largely by the business of commercial exchanges, in consequence of the disorders of the currency, and who have the same interest in the recurrence of those disorders as lawyers have in litigation, or physicians in the diseases of the human frame. Having presented these general views of the evils which existed previous to the establishment of the Bank of the United States, it remains for the committee to inquire how far this institution has effected a remedy of those evils.

The first great question which arises under this branch of the enquiry is, whether or no the bank has corrected the disorders of the circulating medium, by providing a paper currency, convertible into specie at the pleasure of the holder, and of equal value with specie at all points of the Union.

The Chief-Magistrate, in that part of his first message which relates to the Bank of the United States, expresses the opinion, that "it has failed in the great end of establishing a uniform and sound currency." After giving to this opinion all the consideration to which it is so justly

entitled, from the eminent station and high character of the citizen by whom it is entertained, the committee are constrained to express their respectful but decided dissent from it. It is true, that the bank does not, in all cases, redeem the bills issued by any one of its branches indiscriminately at all the other branches; and it is in reference to this fact, as the committee presume, that the President expresses the opinion that the institution has failed to establish "a uniform and sound currency."

It is confidently believed, that no one of the persons who were principally instrumental in establishing the bank, ever entertained an idea that it would attempt to redeem its bills at any of its offices, other than those by which they should be respectively issued. The charter certainly contains no such requirement, and it would have been highly inexpedient if it had, to say nothing of its obvious injustice. The inevitable effect of such a requirement would have been to compel the bank to perform the whole of the commercial exchanges of the country, without any compensation. It would not be more unjust to require a Rail Road Company to transport all the productions of the country without compensation. No institution could stand such an operation; and it was the injudicious attempt of the first direction of the bank to do it, that principally contributed to the embarrassments of 1819. A committee was appointed by the House of Representatives, in that year, to investigate the management of the bank; and, in the report of that committee, as well as in the discussions to which it gave rise in the House, this attempt of the direction to redeem the bills of the institution indiscriminately at all its branches was indicated as one of the causes of the existing embarrassment. No one who participated in the debate, pretended to alledge that the bank was bound to redeem its bills indiscriminately, or that it was expedient that it should do so. The most that any one did was to apologize for the unwise attempt.

But it yet remains for the committee to show that this indiscriminate redeemability of the bills of all the branches of the bank, is not necessary to "the establishment of a uniform and sound currency."

Human wisdom has never effected, in any other country a nearer approach to uniformity in the currency, than that which is made by the use of the precious metals. If therefore, it can be shown that the bills of the United States' Bank are of equal value with silver at all points of the Union, it would seem that the proposition is clearly made out, that the bank has accomplished "the great end of establishing a uniform and sound currency." It is not denied that the bills of the mother bank, and of all its branches, are invariably and promptly redeemed in specie, whenever presented at the offices by which they have been respectively issued, and at which, upon their face they purport to be payable. Nor is it denied that the bills of the bank, and of all the branches, are equal to specie in their respective spheres of circulation. Bills, for example, issued by the mother bank, are admitted to be equal to silver in Pennsylvania, and all those parts of the adjacent States of which Philadelphia is the market. But it is contended that these bills not being redeemable at Charleston and New Orleans, are not of equal value with silver to the merchant who wishes to purchase cotton with them in those cities. Now, if the Philadelphia merchant had silver, instead of bank bills, he certainly could not effect his purchases with it in Charleston or New Orleans, without having the silver conveyed to those places; and it is equally certain that he could not have it conveyed there, without paying for its transportation and insurance. These expenses constitute the natural rate of exchange between those cities, and indicate the exact sum which the merchant would give as a premium for a bill of exchange, to avoid the trouble and delay of transporting his specie. It is obvious, therefore, that, even

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for these distant operations of commerce, silver would be no more valuable than the bills of the bank: for these would purchase a bill of exchange on either of the cities mentioned, precisely as well as silver. If the operation could be reversed and the planter of Louisiana or South Carolina should desire to place his funds in Philadelphia, with a view to purchase merchandise, he would find the bills of the branch bank in either of those States, entirely equivalent to silver in effecting his object. Even therefore, if the bank had not reduced the rate of the exchanges, it might be safely asserted, that its bills would be of equal value with silver at every point in the Union, and for every purpose, whether local or general.

But it is impossible to exhibit any thing like a just view of the beneficial operations of the bank, without advertising to the great reduction it has effected, and the readiness it has superinduced, in the rate of the commercial exchanges of the country. Though this branch of the business of the bank has been the subject of more complaint, perhaps than any other, the committee have no hesitation in saying, it has been productive of the most signal benefits to the community, and deserves the highest commendation. It has been already stated that it has saved the community from the immense losses resulting from a high and fluctuating state of the exchanges. It now remains to show its effect in equalizing the currency. In this respect, it has been productive of results more salutary than were anticipated by the most sanguine advocates of the policy of establishing the bank. *It has actually furnished a circulating medium more uniform than specie.* This proposition is susceptible of the clearest demonstration: If the whole circulating medium were specie, planters of Louisiana, who should desire to purchase merchandise in Philadelphia, would be obliged to pay one per cent. either for a bill of exchange on this latter place, or for the transportation and insurance of his specie. His specie at New Orleans, where he had present use for it, would be worth one per cent. less to him than it would be in Philadelphia, where he had a demand for it. But, by the aid of the Bank of the United States one half of the expense of transporting specie is now saved to him. The bank, for one half of one per cent. will give him a draught upon the mother bank at Philadelphia, with which he can draw either the bills of that bank or specie at his pleasure. In like manner, the bank and its branches will give draughts from any point of the Union to any other where offices exist, at a per centage greatly less than it would cost to transport specie, and in many instances at par. If the merchant or planter, however, does not choose to purchase a draught from the bank, but prefers transmitting the bills of the office where he resides to any distant point, for commercial purposes, although these bills are not strictly redeemable at the point to which they are transmitted, yet, as they are receivable in payment of all dues to the Government, persons will be generally found willing to take them at par; and if they should not, the bank will receive them frequently at par, and always at a discount much less than would pay the expense of transporting specie. The fact that the bills of the bank and its branches are indiscriminately receivable at the custom-houses and land offices, in payment of duties, and for the public lands, has an effect in giving uniformity to the value of these bills, which merits a more full and distinct explanation.

For all the purposes of the revenue, it gives to the national currency that perfect uniformity, that ideal perfection, to which a currency of gold and silver, in so extensive a country, could have no pretensions. A bill issued at Missouri is of equal value with specie at Boston, in payment of duties; and the same is true of all other places, however distant, where the bank issues bills, and the Government collects its revenue. When it is more-over considered, that the bank performs, with the most

scrupulous punctuality, the stipulation to transfer the funds of the Government to any point where they may be wanted, free of expense, it must be apparent that the committee are correct, to the very letter, in stating that the bank has furnished, both to the Government and to the people, a currency of absolutely uniform value in all places, for all the purposes of paying the public contributions, and disbursing the public revenue. And when it is recollected that the Government annually collects and disburses more than twenty-three millions of dollars, those who are at all familiar with the subject, will at once perceive that bills, which are of absolutely uniform value for this vast operation, must be very nearly so for all the purposes of general commerce.

Upon the whole, then, it may be confidently asserted, that no country in the world has a circulating medium of greater uniformity than the United States; and that no country of any thing like the same geographical extent has a currency at all comparable to that of the United States on the score of uniformity. The committee have seen the statement of an intelligent traveller, who has visited almost every part of Europe, exhibiting the great variations of the currency in different parts of the same empire or kingdom. In Russia, the bills of the Bank of St. Petersburg have a very limited circulation. At Riga, and throughout Courland, Livonia, and all the Southern parts of the empire, the currency is exclusively of silver coins. In Denmark, the notes of the Bank of Copenhagen are current only in Zealand, the other islands, and Jutland, but will not pass at all in Sleswic and Holstein, which constitute the best portion of the kingdom. Since the Congress of Vienna, Germany is divided into thirty nine separate States, each having a distinct currency, though represented in the Diet at Frankfurt. Out of the territory in which these several currencies are issued, they are mere articles of merchandise: which circumstance has given rise in every town, to a numerous and distinct class of tradesmen, called money changers. How far these separate and unconnected currencies have a tendency to embarrass commerce, may be inferred from the fact, that a traveller going from St. Petersburg to Calais, will lose upon the unavoidable changes of money, an average of six per cent. In France the bills of the bank are of such large denominations as to be adapted only to the greater operations of commerce, and are principally confined to the bankers and extensive traders in Paris. The general currency is silver; and, to avoid the trouble of carrying this to distant parts of the kingdom, gold pieces, or bills of exchange, which are preferable, are purchased at a premium of from one and a half to four per cent. After this brief review of the currencies of Europe, the committee will barely state, as a conclusive vindication of our currency from the imputation of unsoundness, that there is no point in the Union at which a bill of the United States' Bank, issued at the opposite extremity of the country, is at a discount of more than one-fourth of one per cent.

In confirmation of the views here presented, as to the comparative uniformity of the currency furnished by the bank, and, also, as to the obligation of the bank to redeem its bills, indiscriminately, at all the offices, the committee will present a few brief extracts from the speech of a statesman, whose opinions have every title to authority on these important subjects. Mr. Lowndes, in discussing the question, how far the bank had performed the great duty for which it was created, used the following decided language in 1819, when the currency had not reached the point of uniformity it has now attained by half of one per cent.

"The great object of the Government in chartering the bank, was to provide a currency which should have that degree of stability and uniformity in its value which is required by the interests both of our commerce and

revenue. A currency, equally valuable at every place and every time, cannot be provided by human wisdom. The nearest approach to this object has been generally supposed to be afforded by the employment of gold and silver as the measures of value. The 14th Congress did not aim at ideal perfection; they wished to combine with the conveniences of bank circulation, an uniformity of value equal to that which was possessed by the precious metals; and the means which they employed to secure this uniformity were simple and effectual, by enjoining, under a heavy penalty, the payment of all its notes in coin, upon demand. In the report, indeed, the notes of the national bank, are said to be now 'on the same footing with those of local banks.' Of the footing on which local bank notes stood, he should speak hereafter; but the price current upon his table informed him, that the greatest discount on branch notes of the United States was three fourths of one per cent. This was a value much more uniform than that which coin could be expected to have in so extensive a country. He had been lately looking into a book on political economy, which had been published here, with high, and, in respect to its clearness and precision, with just commendations—the work of Mr. Tracy. He inferred from one of his chapters, that the difference of exchange between Marseilles and Paris, was often from two to three per cent. If, with all the facilities afforded by the internal improvements in which France is so rich, with a currency consisting almost exclusively of gold and silver, the variation in the value of money is three times greater in her territory than on our continent, can it be said, that, in this respect, the bank has not yet fulfilled the objects of its institution?—Before its establishment, the value of bank notes, even in the commercial States, had varied twenty per cent. from each other; and, as none of them bore a fixed proportion to the precious metals, or to any natural standard, it was impossible to assign any limit to their depreciation. You have required that the currency furnished by the national bank should be every where convertible into silver, and it is so. You have expected that it should be as uniform as coin, and it is more so. He would not detain the committee by reading a paper, which he had prepared with that intention, containing the state of exchange, since the establishment of the bank, with England, France, and Holland; for he found himself occupying much more of their time than he had expected. But he believed that any member who should turn his attention to the subject, would remark its steadiness during that period. He thought himself justified in drawing from this fact a conclusion highly favorable to the bank."

In reference to the great depreciation of the paper of the local banks, previous to the establishment of that of the United States, he said:

"Did the interests or duty of the Government of the United States permit that this currency should be received by it? Some dissatisfaction was expressed, because the branch notes of the United States' Bank were at a discount of three fourths of one per cent. He read from a price current the state of the market for bank notes, by which it appeared that notes, which were insisted to be in very good credit, varied from a discount of two and a half to one of seven, fifteen, twenty-five, and even thirty per cent. Was our revenue to be received in these notes? How were they to be employed? They might be expended in the district in which they were issued.—But was the expenditure of every district to be exactly limited to its revenue? What became of the Union if it were so? He spoke of the thing and not the name. Our Union might dissolve in imbecility, as well as be destroyed by violence. Did not union imply, that the resources of one State, its money, as well as its men, might be employed for the defence of another?"

But, if the Government were willing to bear the loss

of a depreciated and unequal currency, it must neglect the plainest principle of the Constitution in doing so—equality of taxation. The committee must 'well remember, that, before the establishment of the National Bank, such was the unequal value of currency in the different States, that the merchants paid duties, varying fifteen per cent. from each other, on the same articles."

On the question, whether the bank was bound to redeem, indiscriminately, the bills of all its branches, he said:

"He should not argue that the bank was not bound to pay its notes, indiscriminately, at all its offices. He believed that nobody now contended that it was." * * *

"It was no unfair account of the practical operation of the system of which he was speaking, to say that it gave to the branches where the exchange was unavoidable, the entire disposition of the specie of those branches where the exchange was favorable. Upwards of six millions of specie have been sent to the branch of New York, besides the amount which has been paid by the subscribers of the bank there; but, in issuing notes which the bank of New York has been obliged to redeem, every branch throughout the country has drawn upon a fund, with whose condition at the time it could not be acquainted." * * * * *

"Such a system might be expected to produce inconvenient changes in the distribution of bank capital, an extreme facility of obtaining loans at one time, and unexpected contractions of discount at another." * * * "Whenever the state of exchange is unfavorable, whenever the just principles of banking require a reduction of discounts, then, under this system of indiscriminate payment of its notes, the bank has nothing to fear from a draught of specie, and is encouraged to lend to every applicant. Wherever the exchange is favorable, and on the sound principles of banking, an enlarged accommodation might be given to the community—there the flow of notes from every State whose exchange is unfavorable, contracts or suspends all the operations of the bank. Thus, wherever discounts should be enlarged, the tendency of this system is to reduce them, and to enlarge them wherever they should be reduced."

Independently of the gross injustice of requiring the bank to perform all the exchanges of this extensive confederacy without any compensation, these enlightened views show most conclusively its inexpediency and injustice, as it regards the different sections of the Union. It would inevitably render those parts of the Union where the bank issues were prudent and moderate, tributary to those where the issues were injudicious and excessive. In this way, the very inequality in the currency, which the bank was designed to correct, would be perpetuated by the vain attempt to make it perform impossibilities. The power of annihilating space, of transporting money or any other article to the most distant points, without the loss of time or the application of labor, belongs to no human institution.

But the salutary agency of the Bank of the United States, in furnishing a sound and uniform currency, is not confined to that portion of the currency which consists of its own bills. One of the most important purposes which the bank was designed to accomplish, and which, it is confidently believed, no other human agency could have effected, under our federative system of government, was the enforcement of specie payments on the part of numerous local banks, deriving their charters from the several States, and whose paper, irredeemable in specie, and illimitable in its quantity, constituted the almost entire currency of the country. Amidst a combination of the greatest difficulties, the bank has almost completely succeeded in the performance of this arduous, delicate, and painful duty. With exceptions, too inconsiderable to merit notice, all the State banks in the Union

have resumed specie payments. Their bills, in the respective spheres of their circulation, are of equal value with gold and silver; while for all the operations of commerce, beyond that sphere, the bills or the checks of the Bank of the United States, are even more valuable than specie. And even in the very few instances in which the paper of State banks is depreciated, those banks are winding up their concerns; and it may be safely said, that no citizen of the Union is under the necessity of taking depreciated paper, because a sound currency cannot be obtained. North Carolina is believed to be the only State where paper of the local banks is irredeemable in specie, and consequently depreciated. Even there, the depreciation is only one or two per cent. and what is more important, the paper of the Bank of the United States can be obtained by all those who desire it, and have an equivalent to give for it.

The committee are aware, that the opinion is entertained by some, that the local banks would, at some time or other, either voluntarily or by the coercion of the State Legislatures, have resumed specie payments. In the very nature of things, this would seem to be an impossibility. It must be remembered, that no banks ever made such large dividends as were realized by the local institutions, during the suspension of specie payments. A rich and abundant harvest of profit was opened to them, which the resumption of specie payments must inevitably blast. While permitted to give their own notes, bearing no interest, and not redeemable in specie, in exchange for better notes, bearing interest, it is obvious that the more paper they issued, the higher would be their profits. The most powerful motive that can operate upon moneyed corporations, would have existed, to prevent the State banks from putting an end to the very state of things, from which their excessive profits proceeded. Their very nature must have been changed, therefore, before they could have been induced to cooperate, voluntarily, in the restoration of the currency. It is quite as improbable that the State Legislatures would have compelled the banks to do their duty. It has already been stated, that the tendency of a depreciated currency to attract importations to the points of greatest depreciation, and to lighten the relative burdens of federal taxation, would naturally produce, among the States, a rivalry in the business of excessive bank issues. But there remains to be stated, a cause of more general operation, which would have prevented the interposition of the State Legislature to correct those issues.

The banks were, directly and indirectly, the creditors of the whole community, and the resumption of specie payments necessarily involved a general curtailment of discounts, and withdrawal of credit, which would produce a general and distressing pressure upon the entire class of debtors. These constituted the largest portion of the population of all the States where specie payments were suspended, and bank issues excessive. Those, therefore, who controlled public opinion in the States, where the depreciation of the local paper was greatest, were interested in the perpetuation of the evil. Deep and deleterious, therefore, as the disease evidently was in many of the States, their Legislatures could not have been expected to apply a remedy, so painful as the compulsion of specie payments would have been, without the aid of the Bank of the U. States. And here it is worthy of special remark, that, while the Bank has compelled the local banks to resume specie payments, it has most materially contributed, by its direct aid and liberal arrangements, to enable them to do so, and that with the least possible embarrassment to themselves and distress to the community. If the State Legislatures had been ever so anxious to compel the banks to resume specie payments, and the banks ever so willing to make the effort, the committee are decidedly of opinion, that they could not

have done it, unaided by the Bank of the United States, without producing a degree of distress incomparably greater than has been actually experienced. They will conclude their remarks on this branch of the subject by the obvious reflection, that, if Congress, at the close of the war, had left it to the States to restore the disordered currency, this important function of sovereignty would have been left with those from which the Constitution has expressly taken it, and by whom it could not be beneficially or effectually exercised. But another idea of considerable plausibility, is not without its advocates. It is said that this Government, by making the resumption and continuance of specie payments, the condition upon which the State banks should receive the Government deposits, might have restored the currency to a state of uniformity. Without stopping to give their reasons for believing that specie payments could not have been restored in this way, and that, even if they could, a uniform currency of general credit, throughout the Union, would not have been provided, the committee will proceed to give their reasons for thinking that such a connexion between the Federal Government and the State banks would be exceedingly dangerous to the purity of both. While there is a National Bank, bound by its charter to perform certain stipulated duties, and entitled to receive the Government deposits as a compensation fixed by the law creating the charter, and only to be forfeited by the failure to perform those duties, there is nothing in the connexion at all inconsistent with the independence of the bank, and the purity of the Government. The country has a deep interest that the bank should maintain specie payments, and the Government an additional interest that it should keep the public funds safely, and transfer them, free of expense, wherever they may be wanted. The Government, therefore, has no power over the bank, but the salutary power of enforcing a compliance with the terms of its charter. Every thing is fixed by the law, and nothing left to arbitrary discretion. It is true that the Secretary of the Treasury, with the sanction of Congress, would have the power to prevent the bank from using its power unjustly and oppressively, and to punish any attempt, on the part of the Directors, to bring the pecuniary influence of the institution to bear upon the politics of the country, by withdrawing the Government deposits from the offending branches. But this power would not be lightly exercised by the Treasury, as its exercise would necessarily be subjected to be reviewed by Congress. It is, in its nature a salutary corrective, creating no undue dependence on the part of the bank.

But the state of things would be widely different, if there was no National Bank, and it was left to the discretion of the Secretary of the Treasury, to select the local banks in which the Government deposits should be made. All the State banks would, in that case, be competitors for the favor of the Treasury; and no one, who will duly consider the nature of this sort of patronage, can fail to perceive, that, in the hands of an ambitious man, not possessed of perfect purity and unbending integrity, it would be imminently dangerous to the public liberty. The State banks would enter the lists of political controversy, with a view to obtain this patronage; and very little sagacity is required to foresee, that, if there should ever happen to be an administration disposed to use its patronage to perpetuate its power, the public funds would be put in jeopardy by being deposited in banks unworthy of confidence, and the most extensive corruption brought to bear upon the elections throughout the Union. A state of things more adverse to the purity of the Government—a power more liable to be abused—can scarcely be imagined. If five millions of dollars were annually placed in the hands of the Secretary of the Treasury, to be distributed at his discretion, for the purposes

of internal improvement, it would not invest him with a more dangerous and corrupting power.

In connection with this branch of the subject, the committee will briefly examine the grounds of the complaint, sometimes made against the Bank of the United States. It is alleged that this bank, availing itself of the Government deposits, consisting in some places principally of local paper, makes heavy and oppressive draughts on the local banks for specie, and thus compels them to curtail their discounts, to the great injury of the community. In the first place, it is to be remarked, that one of the highest duties of the bank—the great object for which it was established—was to prevent the excessive issues of local paper; and this duty can only be performed, by enforcing upon the State banks the payment of specie for any excess in their issues. But the committee are induced to believe, that this complaint is principally owing, so far as it now exists, to the fact, that the operations of the Federal Treasury are mistaken for the operations of the Bank, because the Bank is the agent by whom those operations are performed. This institution receives the Government deposits in the paper of the local banks, certainly in no spirit of hostility to those banks. On the contrary, it tends to give them credit, and is designed to have that effect. But the Bank of the United States is not only bound to pay in specie, or its own bills, what it receives for the Government in local paper, but to transfer the funds to any part of the Union, where they may be required for disbursement. Let it be assumed, that the Government collects annually, at the Custom house in Charleston, one million of dollars in local bank-notes, and disburses in South Carolina only one hundred thousand, it would result from this, that the Government would have nine hundred thousand dollars of local bank paper deposited in the Charleston branch, which the bank would be bound by its charter, and for the national benefit, to transfer, perhaps to Washington or Norfolk.—As this paper would not answer the purposes of the Government at those places, the Bank would be, of course compelled to provide specie, or bills that will command specie at those places. It is obvious, then, that it is the inequality in the collection and disbursement of the revenue, that produces the evil in question. If all the revenue collected in Charleston were disbursed in the State, no draughts would be made upon the local banks for specie. The Bank of the United States, so far from being justly obnoxious to any complaint on this score, has greatly mitigated the action of the Treasury upon the local banks, by means of the liberal arrangements which its large capital and numerous branches have enabled it to make with them. The degree in which that institution has reduced the rate of exchange, may be fairly assumed as that in which it has mitigated the action of the Treasury upon the State banks. If, for example, there existed no National Bank, and the deposits of the revenue collected in Charleston were made in one of the local banks, what would be the effect of transferring, annually, nine hundred thousand dollars to Washington or Norfolk? The local banks, having no branches at either of those places, instead of transmitting draughts, as is now generally done, would be compelled to transmit specie. The bank in which the Government deposits were made, would consequently be under the necessity of demanding specie from all the other banks, in a manner, and to an extent, much more oppressive than any thing that can be imputed to the Bank of the United States.—If, to avoid these specie draughts, the local banks should purchase bills on Washington or Norfolk, they would probably cost five or six per cent. even in a tolerable state of the currency, which would be a loss to the banks almost to the full extent of the premium.

Although the expediency of renewing the charter of the present bank is not a question now submitted for the

decision of Congress, the committee consider it so far involved in the matter referred to them, as to render it their duty to present some considerations bearing on that question, in addition to what they have said on the general expediency of maintaining such an institution. If a National Bank, similar to the present, be a necessary and proper agent for the accomplishment of the great purposes heretofore indicated, the only remaining question would seem to be, whether the charter of the present stockholders should be renewed, or a new set of stockholders incorporated.

In considering this question, Congress will, of course, be governed in some degree, by the terms on which the present stockholders will agree to accept a renewal of their charter. But, as the committee have satisfactory reasons for believing that terms eminently advantageous to the Government can be obtained, they will proceed to some other inquiries. What, then, would be the effect of refusing to renew the present charter? And, in the first place, what are the inducements for pursuing that course?

It is sometimes alleged that the present stockholders are large capitalists, and, as the stock of the bank is some twenty per. cent above par, that a renewal of the charter would be equivalent to a grant to them of twenty per cent upon their capital. It is true that a small proportion of the capital of the company belongs to very wealthy men. Something more than two millions of that owned in the United States, belongs to persons holding upwards of one hundred thousand dollars each. It is also true, that foreigners own seven millions, or one fifth of the capital. But, on the other hand, it is to be remarked that the Government, in trust for the people of the United States, holds seven millions; that persons owning less than five thousand dollars each, hold four millions six hundred and eighty-two thousand; and that persons owning between five and ten thousand dollars each, hold upwards of three millions. It is also worthy of remark, that a very considerable portion of the stock—very nearly six millions, is held by trustees and guardians, for the use of females and orphan children, and charitable and other institutions. Of the twenty eight millions of the stock which is owned by individuals, only three millions four hundred and fifty-three thousand is now held by the original subscribers. All the rest has been purchased at the market prices—a large portion of it, probably, when those prices were higher than at present. Most of the investments made by wills, and deeds, and decrees in equity, for the use of females and minors, are believed to have been made when the stock was greatly above par. From this brief analysis, it will appear that there is nothing in the character or situation of the stockholders, which should make it desirable to deprive them of the advantage which they have fairly gained, by an application of their capital to purposes highly beneficial, as the committee have attempted to shew, to the Government and people of the United States. If foreigners own seven millions of the stock of the bank, our own government owns as much; if wealthy men own more than two millions, men in moderate circumstances, own between seven and eight millions; and widows, orphans, and institutions devoted to charitable and other purposes, own nearly six millions.

But the objection that the stock is owned by men of large capital would apply with equal, if not greater force, to any bank that could be organized. In the very nature of things, men who have large surplus capitals are the principal subscribers at the first organization of a bank. Farmers and planters, merchants and manufacturers, having an active employment for their capitals, do not choose to be the first adventurers in a bank project. Accordingly, when the present bank went into operation, it is believed that most of the capital was owned by large

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capitalists, and under a much more unequal distribution than exists at present. The large amount of stock now held in trust for females and minors, has been principally, if not entirely, purchased since the bank went into operation; and the same remark is generally applicable to the stock in the hands of small holders. It is only when the character of a bank is fully established, and when its stock assumes a steady value, that these descriptions of persons make investments in it.

It is morally certain, therefore, that, if another distinct institution were created, on the expiration of the present charter, there would be a much greater portion of its capital subscribed by men of large fortunes, than is now owned by persons of this description, of the stock of the United States Bank. Indeed, it might be confidently predicted, that the large capitalists who now hold stock in that bank, would, from their local position and other advantages, be the first to forestall the subscriptions to the new bank, while the small stockholders, scattered over the country, would be probably excluded, and the females and minors, and others interested in trust, investments made by decrees in equity, would be almost necessarily excluded, as the sanction of a court could scarcely be obtained, after the passage of the new act of incorporation, in time to authorize a subscription.

To destroy the existing bank, therefore, after it has rendered such signal services to the country, merely with a view to incorporate another, would be an act rather of cruelty and caprice, than of justice and wisdom, as it regards the present stockholders. It is no light matter to depreciate the property of individuals, honestly obtained, and usefully employed to the extent of five millions six hundred thousand dollars, and the property of the government, to the extent of one million four hundred thousand dollars, purely for the sake of change. It would indicate a fondness for experiment, which a wise Government will not indulge upon slight considerations.

But the great injury which would result from the refusal of Congress to renew the charter of the present Bank would, beyond all question, be that which would result to the community at large. It would be difficult to estimate the extent of the distress which would naturally and necessarily result from the sudden withdrawal of more than forty millions of credit, which the community now enjoys from the Bank. But this would not be the full extent of the operation. The Bank of the United States, in winding up its concerns, would not only withdraw its own paper from circulation, and call in its debts, but would unavoidably make such heavy draughts on the local institutions for specie, as very greatly to curtail their discounts. The pressure upon the active, industrious, and enterprising classes, who depend most on the facilities of bank credit, would be tremendous. A vast amount of property would change hands at half its value, passing under the hammer, from the merchants, manufacturers, and farmers, to the large moneyed capitalists, who always stand ready to avail themselves of the pecuniary embarrassments of the community. The large stockholders of the present Bank, the very persons whose present lawful gains it would be the object of some to cut off, having a large surplus money capital thrown upon their hands, would be the very first to speculate upon the distresses of the community, and build up princely fortunes upon the ruins of the industrious and active classes. On the other hand, the females and minors, and persons in moderate circumstances, who hold stock in the institution, would sustain an injury, in no degree mitigated by the general distress of the community.

A very grave and solemn question will be presented to Congress, when they come to decide upon the expediency of renewing the charter of the present Bank. That institution has succeeded in carrying the country through the painful process necessary to cure a deep-seated dis-

ease in the national currency. The nation, after having suffered the almost convulsive agonies of this necessary remedy, is now restored to perfect health. In this state of things, it will be for Congress to decide whether it is the part of wisdom to expose the country to a degree of suffering almost equal to that which it has already suffered, for the purpose of bringing back that very derangement of the currency which has been remedied by a process as necessary as it was distressing.

If the Bank of the United States were destroyed, and the local institutions left without its restraining influence, the currency would almost certainly relapse into a state of unsoundness. The very pressure which the present Bank, in winding up its concerns, would make upon the local institutions, would compel them either to curtail their discounts when most needed, or to suspend specie payments. It is not difficult to predict which of these alternatives they would adopt, under the circumstances in which they would be placed. The imperious wants of a suffering community would call for discounts, in language which could not be disregarded. The public necessities would demand, and public opinion would sanction, the suspension, or at least an evasion, of specie payments.

But, even if this desperate resort could be avoided in a period of peace and general prosperity, neither reason nor experience will permit us to doubt, that a state of war would speedily bring about all the evils which so fatally affected the credit of the Government and the national currency, during the late war with Great Britain. We should be again driven to the same miserable round of financial expedients, which, in little more than two years, brought a wealthy community almost to the very brink of a declared national bankruptcy, and placed the Government completely at the mercy of speculating stock-jobbers.

The Committee feel warranted, by the past experience of the country, in expressing it as their deliberate opinion, that, in a period of war, the financial resources of the country could not be drawn into efficient operation, without the aid of a national bank, and that the local banks would certainly resort to a suspension of specie payments. The maxim is eminently true in modern times that money is the sinew of military power. In this view of the subject, it does appear to the committee, that no one of the institutions of the country, not excepting the army or navy, is of more vital importance than a national bank. It has this decided advantage over the army and navy: while they are of scarcely any value except in war, the bank is not less useful than either of them in war, and is also eminently useful in peace. It has another advantage, still greater. If, like the army or navy, it should cost the nation millions annually to sustain it, the expediency of the expenditure might be doubted. But, when it actually saves to the Government and to the country, as the committee have heretofore attempted to show, more millions annually than are expended in supporting both the army and navy, it would seem that, if there was any one measure of national policy, upon which all the political parties of the country should be brought to unite, by the impressive lessons of experience, it is that of maintaining a national bank.

It is due to the persons, who, for the last ten years, have been concerned in the administration of the bank, to state, that they have performed the delicate and difficult trust committed to them, in such a manner as, at the same time, to accomplish the great national ends for which it was established, and promote the permanent interest of the stockholders, with the least practicable pressure upon the local banks. As far as the committee are enabled to form an opinion, from careful inquiry, the bank has been liberal and indulgent in its dealings with these institutions, and, with scarcely an exception, now

stands in the most amicable relation to them. Some of those institutions have borne the most disinterested and unequivocal testimony in favor of the bank.

It is but strict justice also to remark, that the discretion of the mother bank appears to have abstained, with scrupulous care, from bringing the power and influence of the bank to bear upon political questions; and to have selected, for the direction of the various branches, business men in no way connected with party politics. The committee advert to this part of the conduct of the directors, not only with a view to its commendation, but for the purpose of expressing their strong and decided conviction that the usefulness and stability of such an institution will materially depend upon a steady and undeviating adherence to the policy of excluding party politics and political partisans from all participation in its management. It is gratifying to conclude this branch of the subject, by stating, that the affairs of the present bank, under the able, efficient, and faithful guidance of its two last Presidents and their associates, have been brought from a state of great embarrassment into a condition of the highest prosperity. Having succeeded in restoring the paper of the local banks to a sound state, its resources are now such as to justify the directors in extending the issue and circulation of its paper so as to satisfy the wants of the community, both as it regards bank accommodations and a circulating medium. Upon the soundest principles of banking, the very ample resources of the institution would justify the directors in granting accommodations to a much greater extent than they have yet done; and though they have increased the circulation of their paper from four and a half to fourteen millions, since January, 1823, they are ready and willing to increase it still further, by discounting bills of exchange and other business paper. It is believed that the discounts and issues of the institution are now actually limited by the want of applications resting upon these, the only substantial and safe foundations of bank credit, and circulation.

III. Having said thus much on the constitutionality and expediency of an incorporated National Bank, the only question which remains to be examined by the committee, is, the expediency of establishing "a National Bank founded upon the credit of the Government and its revenues."

It is presumed to have been the intention of the President, in suggesting the inquiry as to a bank founded upon the credit and revenues of the Government, to be understood as having allusion to a bank of discount and deposit. Such a bank, it is taken for granted, would have branches established in various parts of the Union, similar to those now established by the Bank of the United States, and co-extensive with them. The great object of furnishing a national currency could not be accomplished, with an approach to uniformity, without the agency of such branches; and another object, second only in importance to the one just stated, the extension of the commercial facilities of bank accommodations to the different parts of the Union, could not be at all effected without such agency. If there should be simply a great central bank established at the Seat of Government, without branches to connect its operations with the various points of the commerce of the Union, the promise to pay specie for its notes whenever presented, would be almost purely nominal. Of what consequence would it be to a merchant or planter of Louisiana, or a manufacturer or farmer of Maine, that he could obtain specie for bills of the National Bank, on presenting them at the City of Washington—a place wholly unconnected either with Louisiana or Maine by any sort of commercial intercourse, and where, consequently, these bills would never come in the regular course of trade? A promise to pay specie at a place so remote from the

place of circulation, and where the bills would never come but at great expense, and for the sole purpose of being presented for payment, would neither give credit to the notes, nor operate as an effective check upon excessive issues. Whatever credit such notes might have, at a distance from the place of issue, would not be, because they were redeemable at the pleasure of the holder—for such would not be the fact; but principally because of the ultimate responsibility of the Government, and of their being receivable in payment of all dues to the Treasury.

They would rest, therefore, upon almost precisely the same basis of credit as the paper money of our Revolution, the assigns of Revolutionary France, and the Treasury notes of the late war. These were receivable in discharge of debts due to the Treasury, and the Government was, of course, ultimately responsible for their payment; yet the two former depreciated almost to nothing, and the latter, though bearing interest, sunk to 20 per cent. below par. But the notes of a central Government Bank, without branches, would be subject to depreciation, from a cause which constitutes a conclusive objection to such an institution. There would be nothing to limit excessive issues but the discretion and prudence of the Government or of the direction. Human wisdom has never devised any adequate security against the excessive issues, and consequently the depreciation of bank paper, but its actual, and easy, and prompt convertibility into specie, at the pleasure of the holder. Experience has shown that, where the paper of a bank is, by any means, habitually circulated at places remote from the point where it is issued, and not connected with it by a regular commercial intercourse, there will not exist that easy and prompt convertibility, which is so essential to the credit of bank paper. When bank bills are confined to their appropriate sphere of circulation, a redundant issue is certainly and immediately followed by a run upon the bank for specie. This timely admonition is as useful to the bank as it is to the community; for it enables the directors to avoid, with unfailing certainty, an excess equally injurious to both, and which no human sagacity could anticipate or prevent, by calculation merely. Whatever, therefore, in a system of bank circulation prevents the reflux of redundant issues, necessarily destroys the only adequate security against these injurious excesses.

But a Government Bank without branches, would be obnoxious to another objection, which could not be obviated. Its loans would be confined to the District of Columbia; or, if extended to the various parts of the Union—to say nothing of the inconvenience to which it would expose those at a distance who obtained accommodations—they would be unavoidably granted without any knowledge of the circumstances of the persons upon whose credit the Government would depend for re-payment. It would, in fact, be, for all useful purposes, a mere District Bank.

These views of the subject have brought the committee to the conclusion, that, if a Government Bank should be established, it would have at least as many branches as the Bank of the United States, and probably a much greater number. Few administrations would have the firmness to resist an application to establish a branch, coming from any quarter of the Union, however injudicious the location might be, upon correct principles of commerce and banking.

The Bank of the United States now employs five hundred agents, in the various parts of the Union where its offices are established. From this fact, some idea may be formed of the very great addition which may be made to the patronage of the Executive Government by the establishment of such a bank as the one under consideration.

But the patronage resulting from the appointment—the annual appointment—of these agents, great as it would doubtless be, would be insignificant and harmless, when compared with that which would result from the dispensation of bank accommodations to the standing amount of at least fifty millions of dollars! The mind almost instinctively shrinks from the contemplation of an idea so ominous to the purity of the Government and the liberties of the people. No government, of which the committee have any knowledge, except, perhaps, the despotism of Russia, was ever invested with a patronage at once so profligious in its influence and so dangerous in its character. In the most desperate financial extremities, no other European government has ever ventured upon an experiment so perilous. If the whole patronage of the English monarchy were concentrated in the hands of the American Executive, it may be well doubted whether the public liberty would be so much endangered by it as it would by this vast pecuniary machine, which would place in the hands of every administration fifty millions of dollars, as a fund for rewarding political partisans.

Without assuming that a corrupt use would be made of this new species of government patronage, a very slight acquaintance with the practice of all political parties, whatever may be their professions, will be sufficient to satisfy any reflecting mind that all the evil consequences of corruption would flow from its exercise. Have not our political contests too frequently degenerated into a selfish scramble for the offices of the country? Are there not those who sincerely and honestly believe that these offices are legitimate objects of political warfare, and the rightful reward of the victorious party? And, disinterested and patriotic as the great body of every political party is admitted to be, the fact is no less true than it is lamentable, that the most devoted and active partisans are very often mere soldiers of fortune, who watch the political signs, and enlist, at the eleventh hour, under the banners of the party most likely to prove successful. Such being more or less, the composition of all political parties, what would be the probable use made of fifty millions of bank patronage, by a political party which conscientiously held the doctrine that all the offices in the gift of the Executive should be divided among the partisans of a successful political leader? Would not the same principle be even more applicable to bank loans; and would not the Treasury of the United States, under the sanctifying influence of party delusion and party infatuation, be literally plundered, by mercenary retainers, bankrupts in fortune, and adventurers in politics?

Even if the administration should be ever so much disposed to restrain the abuse of this patronage, it would be utterly impracticable to exercise any efficient control over the great number of bank directors who would be scattered over the Union, and who, upon all the known principles of human nature, it may be confidently predicted, would principally consist of busy and officious political partisans.

Such would be the depositaries—acting, not under the public eye, but under the protecting mystery of a sort of concealment and secrecy deemed indispensable in banking operations—to whom not only the whole Treasury of the Union would be confided, to be squandered, perhaps, in profligate favoritism, but the tremendous power of putting the whole property of the nation under mortgage, for the redemption of the bills issued at their discretion. To say nothing of the utter insecurity of the public revenues under such a system, a new species of legislative power, unknown to the Constitution, would be committed to these irresponsible bank directors, of which no human sagacity can predict the consequences.

A just analysis of the operation of granting loans by this Government bank, in exchange for the notes of private individuals, will show, that it involves the exercise,

on the part of the directors, of the two-fold power of appropriating the public revenue in the most dangerous of all forms—discretionary loans—and of pledging the responsibility of the Government to an unlimited extent, for the payment of the debts at the same time created against it. These are among the highest functions of legislative power, and have been expressly and exclusively vested in Congress. Unless, therefore, it be assumed, that Congress may rightfully transfer the powers with which it is invested to these bank directors, it will be difficult to find any warrant, either in the letter or spirit of the Constitution, for the creation of this tremendous engine of pecuniary influence. It may, indeed, be doubted whether all the branches of the legislative authority united, have any constitutional power to lend the public revenue, either to individuals, corporations, or States, without reference to the objects to which it shall be applied. But, whatever may be the power of Congress on this subject, it appears to the committee to be inexpedient, in every view of the question, that the Government should be converted into a great money lender. There is no species of trade in which it would be wise for the Government to embark; but of all the variety of pursuits known to human enterprise, that of lending money by the Government to the citizens of the country, would be fraught with the most pernicious consequences.

In the first place, it is a business to which, in the very nature of things, no Government is adapted, and, least of all, a popular Government. There is no employment of capital that requires a more vigilant and skilful superintendence. Nothing, but the ever active motive of individual interest can supply the watchfulness necessary to secure a banking institution against the grossest frauds and impositions. In pecuniary transactions, few men are to be found who will serve others, in cases involving the exercise of discretionary power, with the same fidelity that they would serve themselves; and when we consider the strong motives, both of private friendship and political attachment, which would operate on the directors of a Government bank, to bestow its favors without impartiality or prudence, it requires but little sagacity to foresee that enormous losses would be annually sustained by the insolvencies of the Government debtors.

All Governments have found it expedient to place the public Treasury under the guardianship of a high and confidential officer, aided in the enforcement of a rigid responsibility, by a system of checks and counterchecks, operating upon all the subordinate officers concerned in collecting and disbursing the public revenue. Such is our own system. No discretion is vested in the chief officer of the Treasury, much less in those that are subordinate, in the appropriation of a single dollar of the public money. "No money can be drawn from the Treasury but in consequence of appropriations made by law." How far these wise and provident safeguards, and this constitutional barrier, would be pre-empted by placing not only the public revenue, but the public credit, at the disposal of some hundreds of bank directors in various parts of the Union, is a very grave question for the consideration of the House.

Our own experience has demonstrated the great danger of having large masses of the community indebted to the Government. It was a deep conviction of this danger that induced Congress to abolish the system of credit sales in the disposition of the public lands. Congress has been compelled to yield to the pressing importunities of the purchasers of these lands, by granting them not only repeated indulgencies, but by remitting some millions of the debt. What, then, would be the situation of the Government, with a debt of fifty millions diffused throughout the country, and due to it from the most active, enterprising, and influential classes of the community? Nothing that has not happened can be more cer-

tain, than that every unfavorable vicissitude in trade, every period of commercial distress and embarrassment, would give rise to importunate and clamorous calls for indulgence, and for an injudicious extension of discounts, which no administration would have the firmness to resist. Every one who has witnessed the urgency and unanimity with which the representatives of the States indebted for public lands, have pressed the claims of their citizens for indulgence and remission, must be satisfied, that, if the citizens of all the States should become indebted much more largely for bank loans, the Government would have scarcely any faculty of resistance, when appeals for indulgence should come from all quarters of the Union, sustained by the strong plea of public distress and embarrassment.

The policy of extending indulgence to the public debtors, and of granting more liberal loans to the community, would, in the natural course of things, become the favorite theme of those who aspired to popular favor. Political parties would come to be divided upon the question of observing towards the public debtors a strict banking policy, indispensable to the maintenance of specie payments, on the one hand, or a liberal Government policy, necessarily involving a suspension of specie payments, on the other. And when it is considered that the whole class of debtors, always the most numerous and active portion of the community, would be naturally in favor of increasing bank issues, and extending bank indulgencies, it can scarcely be doubted that specie payments would be suspended in the first great pecuniary exigency, growing out of embarrassments in our commerce, or deficiencies in our revenue.

The Government, therefore, which is under the most sacred obligations to constrain all the banks to maintain specie payments, with a view to the uniformity and soundness of the currency, would by its own example, perpetuate the great national evil of a fluctuating and depreciated circulating medium.

These evils, which would be so highly probable in time of peace, would be almost certain in the event of war. The temptation to supply the Federal Treasury by the easy process of bank issues, rather than resort to the unpopular process of internal taxation, would be too fascinating to be resisted. We should thus experience what every nation has experienced in like circumstances, the manifold evils of a mere paper currency, having no relation to any standard of intrinsic value.

In these views the committee are fully sustained by the opinion of Mr. Lowndes, expressed in 1819. These are his words: "That the destruction of the [United States] Bank would be followed by the establishment of paper money, he firmly believed; he might almost say, he knew. It was an extremity from which the House would recoil, if now proposed: but if the resolution on the table were passed, it would very soon be proposed. The subject was too large for an incidental discussion. Gentlemen thought the amount of Government paper might be limited, and depreciation prevented, by the rate of interest which should be exacted. Inadequate every where, the security was particularly ineffectual in the United States."

But the inevitable tendency of a Government bank to involve the country in a paper system, is not, in the opinion of the Committee, the greatest objection to it.—The powerful, and, in the hands of a bad administration, the irresistible and corrupting influence which it would exercise over the elections of the country, constitutes an objection more imposing than all others united. No matter by what means an administration might get into power, with such a tremendous engine in their hands, it would be almost impossible to displace them without some miraculous interposition of Providence.

Deeply impressed with the conviction that the weak point of a free Government is the absorbing tendency of Executive patronage, and sincerely believing that the proposed bank would invest that branch of the Government with a weight of moneyed influence more dangerous in its character, and more powerful in its operation, than the entire mass of its present patronage, the committee have felt that they were imperiously called upon, by the highest considerations of public duty, to express the views they have presented, with a frankness and freedom demanded by the occasion. It is, at the same time, due to their own feelings, that they should state unequivocally their conviction, that the suggestion of the Chief Magistrate, which they have thus freely examined, proceeded from motives of the most disinterested patriotism, and was exclusively designed to promote the welfare of the country. This is not the mere formal and heartless homage, sometimes offered up to official station, either from courtesy or interest, but a tribute which is eminently due, and cheerfully rendered, to the exalted character of the distinguished individual on whom it is bestowed.

Extract of a letter from an intelligent merchant in Charleston, South Carolina, to the Chairman of the Committee of Ways and Means, illustrating the exchange operations of the Bank of the United States.

"This effect of diminishing the vast difference of exchange between the various points of the country, was evidently produced by the bank. The advantages produced by this institution, in the intercourse between the Western and Atlantic States, can be duly appreciated, only by one who sees, passing before him, the actual operation of the system of exchange it has created. For example: Lexington, in Kentucky, annually accumulates a large surplus of funds to her credit in Charleston, derived from the sale of horses, hogs, and other live stock, driven to that as well as to other Southern markets by her citizens. Philadelphia is indebted to Charleston for exchange remitted, dividends on bank stock, &c. and Lexington is indebted to Philadelphia for merchandise. Without the transportation of a single piece of coin, Lexington draws on Charleston, and remits the check to Philadelphia in payment of her debt there; which operation adjusts the balance between the three points of the triangle almost without expense or trouble. Could such facilities be obtained from any other than an institution having branches in different parts of the Union acting as co-partners in one concern? Local banks, whatever might be their willingness, could not accommodate in the same manner and to a like extent." * * *

"The discounting of bills on the low terms established by the Branch Bank at this place, is a great benefit to the agricultural interest, particularly in enhancing the price of cotton and rice; and were the bank to stop its operations, there is no saying how far these staples would be depressed. The private dealers in exchange would take the place of the bank in that business, and their profits on bills would be taken out of the pockets of the planters, as the merchants would always regulate the price they would give for an agricultural production, by the high or low rate at which they could negotiate their bills. On account of its connexion with all parts of the Union, the bank affords this important advantage to the public: It is always a purchaser and always a seller of exchange at fixed and low rates, and thus prevents extortion by private dealers." * * * "Before this Bank went into operation, exchange was from eight to ten per cent. either for or against Charleston, which was a loss to the planter to that amount on all the produce of Georgia and South Carolina, and indeed you might say, all the produce of the Southern and Western States." * * *

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"If the Bank of the United States were destroyed, the local banks would again issue their paper to an excessive amount; and while a few adventurous speculators would be much benefitted by such an issue, the honest and unsuspecting citizens of our country would, finally, be the losers. If we look back to what took place in New York, Pennsylvania, the Western States, and even in our own State, we shall see the grossest impositions committed by Banks commencing with a few thousand dollars in specie, buying up newspapers to puff them as specie paying Banks, in order to delude the public, and, after getting their bills into circulation, blowing up, and leaving the unsuspecting planter and farmer victims of a fraud, by which they were deprived of the hard earnings of years of honest industry. But, sir, I believe the Bank owes a great deal of the opposition which exists, and has existed, to the fact that it has put down these fraudulent institutions got up by combinations and conspiracies of speculators; and who, after receiving large dividends, managed to destroy the credit of their own paper, and, by the agency of brokers, bought it up at half its nominal value.

"Since I last wrote you, I had a conversation with a gentleman in the confidence of some of the moneyed men of the North, and he says they are determined to break up the United States' Bank, to enable them to use their money to advantage; as that institution gives so many facilities to the community, as to deprive them of their former profits." * * *

"There is another consideration; the distress would be immense, which a refusal to renew the charter would produce among those who are indebted to the institution: for I find that to this Branch, the planters owe upwards of a million of dollars; and I have no hesitation in saying, as safe a debt as is owing to any Bank in the Union. But if the Bank should wind up its affairs, these planters could not get credit from other institutions; and as the Bank can sue in the United States' Court, where judgment is obtained almost at once, property would be greatly depressed, and moneyed men would buy it up for half its value. Throughout the Union, all classes would suffer, except those who should hold up their money to go into the brokerage business, or buy property at a sacrifice. If I were sure the Bank would not be re-chartered, I would convert my property into money, with a view to dealing in exchange. I could make a vast fortune by it."

MAYSVILLE ROAD BILL.

HOUSE OF REPRESENTATIVES, MAY 27, 1830.

The following message was received from the President of the United States, returning to the House of Representatives the enrolled bill entitled "An act authorizing a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company," with his objections thereto:

To the House of Representatives:

GENTLEMEN: I have maturely considered the bill proposing to authorize "a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company," and I now return the same to the House of Representatives, in which it originated, with my objections to its passage.

Sincerely friendly to the improvement of our country by means of roads and canals, I regret that any difference of opinion in the mode of contributing to it should exist between us; and if, in stating this difference, I go beyond what the occasion may be deemed to call for, I hope to find an apology in the great importance of the subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious wish to be correctly understood by my constituents in the discharge of

all my duties. Diversity of sentiment among public functionaries, actuated by the same general motives, on the character and tendency of particular measures, is an incident common to all Governments, and the more to be expected in one which, like ours, owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled as we thus are, by a higher tribunal, before which our respective acts will be canvassed with the indulgence due to the imperfections of our nature, and with that intelligence and unbiassed judgment which are the true correctives of error, all that our responsibility demands is that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

In the message which was presented to Congress at the opening of its present session, I endeavored to exhibit briefly my views upon the important and highly interesting subject, to which your attention is now to be directed. I was desirous of presenting to the Representatives of the several States in Congress assembled, the inquiry, whether some mode could not be devised which would reconcile the diversity of opinion concerning the powers of this Government over the subject of internal improvement, and the manner in which these powers, if conferred by the Constitution, ought to be exercised.—The act which I am called upon to consider, has, therefore, been passed with a knowledge of my views on this question, as these are expressed in the message referred to. In that document the following suggestion will be found:

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the treasury, beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefitted by the improvement of inland navigation and the construction of highways in the several States. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto "adopted has been deprecated as an infraction of the Constitution by many of our fellow-citizens; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils;" and adverting to the constitutional power of Congress to make what I consider a proper disposition of the surplus revenue, I subjoin the following remarks: "To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it."

The constitutional power of the Federal Government, to construct or promote works of internal improvement, presents itself in two points of view; the first, as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the ter-

ritory which they may occupy, be claimed as necessary to their preservation and use; the second, as asserting the simple right to appropriate money from the National Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view, the question of power is an open one, and can be decided without the embarrassment attending the other, arising from the practice of the Government.

Although frequently and strenuously attempted, the power, to this extent, has never been exercised by the Government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it, can receive my official sanction.

But, in the other view of the power, the question is differently situated. The ground taken at an early period of the Government, was "that whenever money has been raised by the general authority, and is to be applied to a particular measure, a question arises, whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made." The document in which this principle was first advanced, is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse and for its conservative effect upon some of the most valuable principles of the constitution. The symmetry and purity of the Government would, doubtless, have been better preserved, if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfil the general objects of its institution; an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the Government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you, by a minute recital of the acts which sustain this assertion; but it is proper that I should notice some of the most prominent, in order that the reflections which they suggest to my mind, may be better understood.

In the administration of Mr. Jefferson, we have two examples of the exercise of the right of appropriation, which, in the consideration that led to their adoption and in their effects upon the public mind, have had a greater agency in marking the character of the power, than any subsequent events. I allude to the payment of fifteen millions of dollars for the purchase of Louisiana, and to the original appropriation for the construction of the Cumberland Road; the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the confederacy, expressed through their respective Legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road, of the force of an obligatory exposition of the constitution, it must, nevertheless, be admitted that, so far as the mere appropriation of money is concerned, they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed through all the forms of the constitution, appropriating upwards of two millions and a half of dollars out of the national treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects, under this power, the administration of Mr. Madison was characterized by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both Houses of Congress, and presented for his approval, "setting apart and pledging certain funds for

constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States; and to render more easy and less expensive, the means and provisions for the common defence." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage, on the ground of its unconstitutionality, declaring that the assent of the respective States, in the mode provided by the bill, could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress, are those specified and provided for in the constitution; and superadding to these avowals, his opinion, that "a restriction of the power 'to provide for the common defence and general welfare,' to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of Government; money being the ordinary and necessary means of carrying them into execution." I have not been able to consider these declarations in any other point of view, than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his administration, a bill was passed through both Houses of Congress, conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland Road. He returned it with objections to its passage; and in assigning them, took occasion to say, that in the early stages of the Government, he had inclined to the construction that it had no right to expend money, except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them; but, that, on further reflection and observation, his mind had undergone a change; that his opinion then was, "that Congress have an unlimited power to raise money, and that, in its appropriation, they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defence, and of general, not local, national, not State benefit;" and this was avowed to be the governing principle through the residue of his administration. The views of the last administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it, in relation to internal improvements, was fully recognized and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty, if not impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1793, assuming that to be its true reading, in relation to the power under consideration: thus giving an admonitory proof of the force of implication, and the necessity of guarding the Constitution with sleepless vigilance, against the authority of precedents which have not the sanction of its most plainly defined powers. For, although it is the duty of all to look to that sacred instrument, instead of the statute book, to repudiate at all times encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances; it is not less true, that the public good and the nature of our political institutions require, that individual differences should yield to a well settled acquiescence of the people and confederated authorities, in particular constructions of the Constitution, on doubtful points. Not to concede this much to the spirit of our institutions, would impair their stability, and defeat the objects of the Constitution itself.

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[21st Cong. 1st Sess.]

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress, to aid works of internal improvement; for, although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated, has, as we have seen, been long claimed and exercised by the Federal Government, yet such grants have always been professedly under the control of the general principle, that the works which might be thus aided, should be "of a general, not local—national, not State" character. A disregard of this distinction would of necessity lead to the subversion of the Federal system. That even this is an unsafe one, arbitrary in its nature, and liable, consequently, to great abuses, is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind, to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow citizens who have desired its passage, and by the respect which is due to a co-ordinate branch of the Government; but I am not able to view it in any other light than as a measure of purely local character; or if it can be considered national, that no further distinction between the appropriate duties of the General and State Government, need be attempted; for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements, is exclusively within the limits of a State, starting at a point on the Ohio river, and running out sixty miles to an interior town; and even as far as the State is interested, conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise must, necessarily, be subjected; the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly *national* in its character, or otherwise, is an inquiry which is often extremely difficult of solution. The appropriations of one year, for an object which is considered national, may be rendered nugatory, by the refusal of a succeeding Congress to continue the work, on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished. Notwithstanding the union of the Government with the corporation, by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain, is it national and conducive to the benefit of the whole, or local, and operating only to the advantage of a portion of the Union?

But, although, I might not feel it to be my official duty to interpose the executive veto, to the passage of a bill, appropriating money for the construction of such works as are authorized by the States, and are national in their character, I do not wish to be understood as expressing an opinion, that it is expedient at this time for the General Government to embark in a system of this kind, and anxious that my constituents should be possessed of my views, on this, as well as on all other subjects, which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations, there are two prominent views of the subject, which have made a deep impression upon my mind, which, I think, are well entitled to your serious attention, and will, I hope, be maturely weighed by the People.

From the official communication submitted to you, it

appears, that if no adverse and unforeseen contingency happens in our foreign relations, and no unusual diversion be made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years.—The extent to which this pleasing anticipation is dependent upon the policy, which may be pursued in relation to measures, of the character of the one, now under consideration, must be obvious to all, and equally so, that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the Treasury Department, and those from the Clerks of the Senate and House of Representatives, herewith submitted, it appears that the bills which have passed into laws, and those which, in all probability, will pass before the adjournment of Congress, anticipate appropriations which, with the ordinary expenditures for the support of Government, will exceed considerably the amount in the Treasury for the year 1830. Thus, whilst we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa, the appropriations for internal improvement are increasing beyond the available means of the treasury; and if to this calculation be added the amount contained in bills which are pending before the two Houses, it may be safely affirmed that ten millions of dollars would not make up the excess over the Treasury receipts, unless the payment of the national debt be postponed, and the means now pledged to that object applied to those enumerated in these bills. Without a well regulated system of internal improvement, this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be, either a continuance of the national debt, or a resort to additional taxes.

Although many of the States, with a laudable zeal, and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the General Government in the construction of such as from their nature ought to devolve upon it, and to which the means of the individual States are inadequate, is both rational and patriotic; and, if that desire is not gratified now, it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guarantee, that, at the proper time, this policy will be made to prevail under circumstances more auspicious to its successful prosecution, than those which now exist. But great as this object undoubtedly is, it is not the only one which demands the fostering care of the Government. The preservation and success of the Republican principle rest with us. To elevate its character, and extend its influence, rank among our most important duties; and the best means to accomplish this desirable end, are those which will rivet the attachment of our citizens to the Government of their choice, by the comparative lightness of their public burdens, and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence, our country is blessed with general prosperity, and our citizens exempted from the pressure of taxation, which other less favored portions of the human family are obliged to bear; yet, it is true, that many of the taxes collected from our citizens, through the medium of imposts, have, for a considerable period, been onerous. In many particulars, these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessities of life, and this, too, in cases where the burden was not relieved by the consciousness, that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity, by the encouragement of their growth and

manufacture at home. They have been cheerfully borne, because they were thought to be necessary to the support of Government, and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence, when it is known that the necessity for their continuance would cease, were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure, as will pay the debts of the Union, and authorize the reduction of every tax, to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor, whose prosperity is essential to our national safety and independence, will allow? When the national debt is paid, the duties upon those articles which we do not raise, may be repealed with safety, and still leave, I trust without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well digested system of improvement.

Under this view, the question, as to the manner in which the Federal Government can, or ought to embark in the construction of roads and canals, and the extent to which it may impose burthens on the people for these purposes, may be presented on its own merits, free of all disguise, and of every embarrassment, except such as may arise from the Constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in furtherance of works of internal improvement, my opinion is, that the soundest views of national policy at this time, point to such a course. Besides, the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the Government will reap from it in the elevation of its character? How gratifying the effect, of presenting to the world the sublime spectacle of a republic of more than twelve millions of happy people, in the fifty-fourth year of her existence, after having passed through two protracted wars, the one for the acquisition, and the other for the maintenance of liberty—free from debt, and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free Government throughout the world? Would we not ourselves find, in its effect, an additional guarantee, that our political institutions will be transmitted to the most remote posterity, without decay? A course of policy destined to witness events like these, cannot be benefitted by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must, of necessity, be very limited. In the best view of these appropriations, the abuses to which they lead, far exceed the good which they are capable of promoting. They may be resorted to as artful expedients, to shift upon the Government the losses of unsuccessful private speculation, and thus by ministering to personal ambition and self aggrandizement, tend to sap the foundations of public virtue, and taint the administration of the Government with a demoralizing influence.

In the other view of the subject, and the only remaining one, which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement, without a previous amendment of the Constitution, explaining and defining the precise powers of the Federal Government over it: assuming the right to appropriate money, to aid in the construction of national works, to be warranted by the coterminous and continued exposition of the Constitution, its insufficiency for the successful prosecution of them, must be

admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant, and embracing so much that has been overruled, as to involve the whole subject in great uncertainty, and to render the execution of our respective duties in relation to it, replete with difficulty and embarrassment. It is in regard to such works, and the acquisition of additional territory, that the practice obtained its first footing. In most, if not all other disputed questions of appropriation, the construction of the Constitution may be regarded as unsettled, if the right to apply money, in the enumerated cases, is placed on the ground of usage.

This subject has been one of much, and I may add painful reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it; for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friend, but few, I trust, are unmindful of the means by which they should be promoted: none certainly are so degenerate as to desire their success at the cost of that sacred instrument, with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is expected that the People of this country, reckless of their constitutional obligations, will prefer their local interests to the principles of the Union, such expectations will in the end be disappointed; or if it be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of constitutional compact cannot be obtained from communities like ours, it need not be anticipated elsewhere; and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned; and the degrading truth, that man is unfit for self-government admitted. And this will be the case if expediency be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances, which it is ever ready to make, upon the checks that are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the People that the construction of roads and canals should be conducted by the Federal Government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the Constitution, delegating the necessary power, and defining and restricting its exercise with reference to the sovereignty of the States, should be made. Without it, nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works, and to raise funds by the collection of tolls to keep them in repair, cannot be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right. Year after year, contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful work. Whilst one Congress may claim and exercise the power, a succeeding one may deny it; and this fluctuation of opinion must be unavoidably fatal to any scheme, which, from its extent, would promote the interests and elevate the character of the country. The experience of the past has shown, that the opinion of Congress is subject to such fluctuation.

If it be the desire of the people that the agency of the Federal Government should be confined to the appropriation of money, in aid of such undertaking, in virtue of State authorities, then the occasion, the manner, and

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the extent of the appropriations, should be made the subject of constitutional regulation. This is the more necessary in order that they may be equitable among the several States; promote harmony between different sections of the Union and their Representatives; preserve other parts of the Constitution from being undermined by the exercise of doubtful powers, or the too great extension of those which are not so; and protect the whole subject against the deleterious influence of combinations, to carry, by concert, measures which, considered by themselves, might meet but little countenance.

That a constitutional adjustment of this power, upon equitable principles, is, in the highest degree, desirable, can scarcely be doubted; nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no government are appeals to the source of power, in cases of real doubt, more suitable than in ours. No good motive can be assigned for the exercise of power by the constituted authorities, while those for whose benefit it is to be exercised, have not conferred it, and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the General Government to the advancement of the common weal, present a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect, is, I firmly believe, in a great degree, unfounded. The time has never yet been, when the patriotism and intelligence of the American people were not fully equal to the greatest exigency; and it never will, when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is, in my estimation, among the highest of our duties.

A supposed connexion between appropriations for internal improvement and the system of protecting duties, growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them. Those which I have entertained on the latter, have frequently placed

me in opposition to individuals as well as communities, whose claims upon my friendship and gratitude are of the strongest character; but I trust there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been, or deep the regrets which they are capable of exciting.

As long as the encouragement of domestic manufactures is directed to national ends, it shall receive from me a temperate but steady support. There is no necessary connexion between it and the system of appropriations. On the contrary, it appears to me that the supposition of their dependence upon each other, is calculated to excite the prejudices of the public against both. The former is sustained on the grounds of its consistency with the letter and spirit of the Constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people; on which account, it is at least entitled to a fair experiment. The suggestions to which I have alluded refer to a forced continuance of the national debt, by means of large appropriations, as a substitute for the security which the system derives from the principles on which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people, or a consciousness that the system does not possess sufficient soundness for its support, if left to their voluntary choice, and its own merits. Those who suppose that any policy thus founded can be long upheld in this country, have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.

In presenting these opinions, I have spoken with the freedom and candour which I thought the occasion for their expression called for, and now respectfully return the bill which has been under consideration, for your further deliberation and judgment.

ANDREW JACKSON.

May 27, 1830.

21st Cong. 1st Sess.]

Statement from the Treasury Department.

[H. OF R.]

STATEMENT FROM THE TREASURY DEPARTMENT.—*Annexed to the foregoing Message.*

Receipts for 1830, estimated at	\$23,840,000
Customs	22,000,000
Lands	1,200,000
Bank dividends	490,000
Incidental receipts, including arrears of internal duties, direct taxes, and canal tolls	150,000

To which is to be added the balance estimated to be in the Treasury on 1st January, 1830

Making an aggregate of
The expenditures for 1830 were estimated at

Viz :

Civil, diplomatic, and miscellaneous

Military service, including fortifications, ordnance, Indian affairs, pensions, arming the militia, and internal improvements

Naval service, including the gradual improvement

Public debt

Which would leave an estimated balance in the Treasury on the 1st January, 1831, of

Amount of receipts for the year 1830, as estimated by the Secretary of the Treasury

Amount estimated to be in the Treasury on the 1st of January, 1830

Of which sum, estimated to be in the Treasury on 1st January 1830, there are bad debts amounting to

And there will be required by the several Departments to complete the service of the year 1829

Making the sum to be deducted as unavailable for 1830

Leaving as applicable to the service of 1830

Expenditures :
Amount already appropriated up to 17th May 1830

For payment of public debt

Amount of bills pending between the two Houses on amendments which will probably pass

Amount of bills that will probably pass the present session

Estimated deficiency

Appropriations contained in bills that have passed the Senate, and are now pending in the House of Representatives

Appropriations in bills that have passed the House of Representatives, and are now pending in the Senate

Appropriations in bills of the Senate that have not as yet passed that body

Appropriations in bills of the House of Representatives still pending in that House

28,250,071

\$9,471,284

ACTS OF THE TWENTY-FIRST CONGRESS

OF THE

UNITED STATES:

PASSED AT THE FIRST SESSION, WHICH WAS BEGUN AND HELD AT THE CITY OF WASHINGTON, IN THE DISTRICT OF COLUMBIA, ON MONDAY, THE SEVENTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE, AND ENDED ON THE THIRTY-FIRST DAY OF MAY, ONE THOUSAND EIGHT HUNDRED AND THIRTY.

AN ACT making an appropriation for repairing and fitting out the frigate Brandywine.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, for repairing and fitting out the frigate Brandywine, viz :

For repairing the said frigate, twenty-thousand dollars ;
For wear and tear whilst in commission, eight thousand dollars ;

For pay and subsistence of officers, and pay of seamen, thirty-six thousand three hundred and seventy-eight dollars ;

For provisions, twenty-one thousand nine hundred and ninety-one dollars ;

For medicines, hospital stores, and surgical instruments, one thousand dollars ;

For contingent expenses of every description, five thousand dollars.

ANDREW STEVENSON,
Speaker of the House of Representatives.
JOHN C. CALHOUN,
President of the Senate.

Approved, Dec. 29, 1829.

ANDREW JACKSON.

RESOLUTION authorizing the purchase of fifty copies of the sixth volume of the laws of the United States.

Resolved, &c. That the Clerk of the House of Representatives be directed to purchase fifty copies of the sixth volume of the laws of the United States, to complete the sets in the Library of Congress wanting that volume, at the rate paid for former purchases of the laws, being four dollars per volume.

Approved, Dec. 29, 1829.

AN ACT making appropriations for the payment of Revolutionary and Invalid Pensioners.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for paying the Revolutionary and Invalid Pensioners, viz :

For arrearages due to Revolutionary pensioners, for

the year one thousand eight hundred and twenty-nine, one hundred and one thousand seven hundred dollars ;

For paying the Revolutionary pensioners, for the year one thousand eight hundred and thirty, nine hundred and sixty-six thousand four hundred and eighty dollars ;

For paying the invalid pensioners, for the year one thousand eight hundred and thirty, one hundred and ninety-one thousand four hundred and eighty-one dollars, in addition to a balance in the Treasury of one hundred and seven thousand eight hundred and forty-nine dollars and ninety-six cents.

Approved, February 3d, 1830.

AN ACT to alter the time of holding the Circuit Court of the United States for the District of Maryland.

Be it enacted, &c. That the terms of the Circuit Court of the United States for the District of Maryland, which are now directed by law to be held on the eighth day of May, and the eighth day of December in each year, shall hereafter be held on the eighth day of April and the first day of November in each year, except such days shall occur on Sunday, when the terms of the said Court shall commence and be held on the next succeeding day.

Sec. 2. *And be it further enacted,* That all process which may have issued, or which shall hereafter issue, returnable to the next succeeding terms of the said Circuit Court as heretofore established, shall be held returnable, and be returned to those terms to which they are severally changed by this act.

Approved, February 11, 1830.

AN ACT authorizing the Accounting Officers of the Treasury Department to pay to the State of Pennsylvania, a debt due that State by the United States.

Be it enacted, &c. That the Secretary of the Treasury be directed to cause to be paid to the proper officers of the Commonwealth of Pennsylvania, the sum of thirteen thousand seven hundred and ninety-five dollars and fifty-four cents, which amount now stands on the books of the Treasury Department to the credit of the Agent of Pennsylvania, for paying the militia of that State, in the year one thousand seven hundred and ninety-four ; to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 11, 1830.

AN ACT to amend "An Act to continue a copy-right of John Rowlett."

Be it enacted, &c. That, notwithstanding any thing contained in the last proviso of the "Act to continue a copy-right to John Rowlett," approved the twenty-fourth day of May, one thousand eight hundred and twenty-eight, only such of the printed books, entitled Rowlett's Tables of Discount or Interest, as were in the possession of the said John Rowlett, at the time of the passage of the said act, are, or shall be, required to contain on the back of the title page of each, a copy of the record of the title of the book in the office of the Clerk of the District Court for the Eastern District of Pennsylvania.

Approved, February 11, 1830.

AN ACT to authorize the Surveyors, under the direction of the Secretary of the Treasury, to enrol and license ships or vessels to be employed in the coasting trade and fisheries.

Be it enacted, &c. That, after the passage of this act, the Secretary of the Treasury be, and he is hereby, invested with powers to authorize the Surveyor of any port of delivery, under such regulations as he shall deem necessary, to enrol and license ships or vessels to be employed in the coasting trade and fisheries, in like manner as Collectors of ports of entry are now authorized to do, under existing laws.

Sec. 2. *And be it further enacted,* That any Surveyor or who shall perform the duties directed to be performed by the first section of this act, shall be entitled to receive the same commissions and fees, as are now allowed by law to Collectors for performing the same duties, and no more.

Approved, February 11, 1830.

AN ACT for the relief of the widow and children of Benjamin W. Hopkins.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any moneys in the Treasury not otherwise appropriated, to Harriet Strong, widow, Edwin W. Hopkins, and Maria A. Hopkins, children of Benjamin W. Hopkins, deceased, the sum of thirteen thousand two hundred and seventy dollars, being for damages sustained by the said Benjamin W. Hopkins, in consequence of the Government failing to furnish an Engineer to lay out the Fort at Mobile Point, at the time the contract commenced. *Provided,* however, that from said sum of thirteen thousand two hundred and seventy dollars, there be deducted the amount of three judgments which the United States recovered in the Northern District of New York, before the District Court of the United States at the January term of said Court, in the year one thousand eight hundred and twenty-six, against Roswell Hopkins and Thaddeus Laughlin, sureties of Benjamin W. Hopkins, on three different custom house bonds, amounting with the costs, to one thousand seven hundred and sixty-two dollars and thirty-one cents; and the Secretary of the Treasury is hereby directed to discharge said judgments, and to release and cause to be re-delivered to the owner, any and all property on which any execution or executions which have been issued on said judgments, or either of them, has been levied.

Approved, February 11, 1830.

AN ACT for the relief of Nancy Dolan.

Be it enacted, &c. That there be paid to Nancy Dolan, of Louisiana, out of any money in the Treasury not otherwise appropriated, the sum of twelve hundred dollars, which shall be in full satisfaction of the claim of said Nancy, for remuneration from the United States for the loss of a lot of ground at Baton Rouge, in said State.

Approved, February 11, 1830.

AN ACT for the relief of the Church Wardens of Elizabeth City parish, in the State of Virginia.

Be it enacted, &c. That the Secretary of the Treasury pay out of any money in the Treasury not otherwise appropriated, the sum of one hundred and thirty dollars and fifty cents, to the Church Wardens of Elizabeth City parish, in the State of Virginia, to defray the expense of re-casting a bell, broke during the late war, while used by direction of an officer commanding at that place, as an alarm bell.

Approved, February 11, 1830.

AN ACT for the relief of Joseph Dixon.

Be it enacted, &c. That the proper accounting officers of the Treasury be, and they are hereby, authorized to pay Joseph Dixon, the sum of thirty dollars, in full for the damages done to his lot of land, in taking part of the soil of said lot, to erect a fortification on Dixon's Point, on the Eastern side of Piscataqua River, in the State of Maine, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, February 11, 1830.

AN ACT for the relief of Orson Sparks, and John Watson.

Be it enacted, &c. That the Secretary of the Treasury pay to Orson Sparks, the sum of forty-five dollars, and to John Watson the sum of sixty dollars, out of any money in the Treasury, not otherwise appropriated, the value of two horses lost by them during the late war, while in the service of the United States.

Approved, Feb. 11, 1830.

AN ACT for the relief of James D. Cobb.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized and directed, to pay to James D. Cobb, late a First Lieutenant in the Regiment of Light Artillery, out of any money in the Treasury, not otherwise appropriated, the full amount due for the pay, subsistence, and other emoluments of a First Lieutenant of Light Artillery, from the day when the said James D. Cobb was last paid, to the time when the Regiment of Light Artillery was incorporated with the Artillery, by the Act of the second of March, one thousand eight hundred and twenty-one.

Approved, Feb. 11, 1830.

AN ACT for the relief of William Jacocks.

Be it enacted, &c. That the Secretary of War be, and he is hereby, authorized and directed, to issue a warrant for his military bounty-land, to William Jacocks, who, during the late war, enlisted for five years, as a musician, in a company of bombardiers, sappers, and miners, and who, after having served the period of his enlistment, was honorably discharged.

Sec. 2. *And be it further enacted,* That the proper accounting officers of the Department of War do pay to the said William Jacocks all the arrears of pay, of gratuity, allowed by the United States to soldiers honorably discharged, and of commutation for clothing, which may appear to be due and owing to him.

Approved, Feb. 11, 1830.

AN ACT for the relief of John Long.

Be it enacted, &c. That the proper accounting officers of the Treasury Department, cause to be paid to John Long, of the State of Kentucky, or to his legal representative, the sum of one hundred and ten dollars, out of any money in the Treasury not otherwise appropriated, in full, for a horse lost by him, while in the service of the United States, during the late war with Great Britain.

Approved: February 11, 1830.

AN ACT for the relief of Peter Ford.

Be it enacted, &c. That the Secretary of the Treasury pay to Peter Ford, out of any money in the Treasury, not otherwise appropriated, the sum of one hundred and thirty-three dollars, the value of that part of his team of oxen, with a sled and chains, impressed into the service of the United States, on the twenty-first of January, one thousand eight hundred and thirteen, by order of General Simon Perkins, and which were lost on the retreat of the guard having charge of the same, after the defeat of Gen. Winchester at the river Raisin, without any fault or negligence on the part of said Ford.

Approved, Feb. 11, 1830.

An act for the relief of the legal representatives of Benjamin Clark, deceased.

Be it enacted, &c. That the proper accounting officer of the Treasury audit and adjust the claim of the legal representatives of Benjamin Clark, deceased, for the loss of a wagon, horse, and gears, while in the military service of the United States, during the late war, and allow them such compensation therefor as they are entitled to, on the principles and by the rules which have heretofore governed the Department in adjusting claims for the loss of like property, under the law of April ninth, one thousand eight hundred and sixteen, and the act amendatory thereto; and that said sum, so found due, be paid out of any money in the Treasury, not otherwise appropriated.

Approved, Feb. 11, 1830.

AN ACT to continue in force an act authorizing the importation and allowance of drawback on brandy in casks of a capacity not less than fifteen gallons.

Be it enacted, &c. That the act entitled "an act to authorize the importation of brandy in casks of a capacity not less than fifteen gallons, and the exportation of the same for the benefit of a drawback of the duties," approved second March, one thousand eight hundred and twenty-seven, be, and the same is hereby, continued in force.

Approved, February 27, 1830.

AN ACT making appropriations for the Indian Department, for the year one thousand eight hundred and thirty.

Be it enacted, &c. That the following sums be appropriated, to be paid out of any unappropriated money in the Treasury, for the Indian Department, for the year one thousand eight hundred and thirty, viz:

For pay of the Superintendent of Indian Affairs at St. Louis, and the several Indian Agents, as authorized by law, twenty-nine thousand five hundred dollars.

For pay of sub-agents, as authorized by law, nineteen thousand and fifty dollars.

For presents to Indians, as authorized by the act of one thousand eight hundred and two, fifteen thousand dollars.

For pay of Indian interpreters and translators employed at the several superintendencies and agencies, twenty-one thousand five hundred and twenty-five dollars.

For pay of gun and blacksmiths and their assistants, employed within the superintendencies and agencies, under treaty provisions and the orders of the Secretary of War, eighteen thousand three hundred and forty dollars.

For iron, steel, coal, and other expenses attending the gun and blacksmith's shop, five thousand four hundred and twenty-six dollars.

For expense of transportation and distribution of Indian annuities, nine thousand nine hundred and fifty-nine dollars.

For expense of provisions for Indians at the distribu-

tion of annuities while on visits of business with the different superintendents, and agents, and when assembled on business, eleven thousand eight hundred and ninety dollars.

For contingencies of the Indian Department, twenty thousand dollars.

Approved, February 27, 1830.

AN ACT making appropriations for certain fortifications for the year one thousand eight hundred and thirty.

Be it enacted, &c. That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the Treasury, for certain Fortifications, viz:

For Fort Adams, one hundred thousand dollars.

For Fort Hamilton, eighty-six thousand dollars.

For Fort Monroe, one hundred thousand dollars.

For Fort Calhoun, one hundred thousand dollars.

For Fort Macon, in North Carolina, sixty thousand dollars.

For Fort at Oak Island, North Carolina, sixty thousand dollars.

For Fortifications at Charleston, South Carolina, twenty-five thousand dollars.

For Fort at Mobile Point, Alabama, ninety thousand dollars.

For Fort Jackson, Louisiana, eighty-five thousand dollars.

For Fortifications at Pensacola, in Florida, one hundred and thirty thousand dollars.

For contingencies of Fortifications, ten thousand dollars.

For a purchase of a site for a Fort at Cockspur Island, Georgia, five thousand dollars.

Approved, February 27, 1830.

AN ACT for the relief of Ezra Thurbur, and the legal representatives of Gideon King.

Be it enacted, &c. That the sum of one thousand two hundred dollars be paid, out of any money in the Treasury, not otherwise appropriated, to Ezra Thurbur, and the legal representatives of Gideon King, in full satisfaction of the claim against the United States, for the capture and detention of the sloop Essex, by the British, on Lake Champlain, during the late war.

Approved, February 27, 1830.

AN ACT for the benefit of Elijah L. Clarke, of Louisiana, and of the heirs and legal representatives of Lewis Clarke, deceased.

Be it enacted, &c. That Elijah L. Clarke, of the State of Louisiana, be, and he is hereby, confirmed in his claim, to a tract of land containing seven hundred and thirty-three acres, to the extent of one mile square thereof, situated on the Lake St. Joseph, in the county of Concordia, and State of Louisiana, adjoining the claim of one Durosset, on the South, being claim number sixty-eight, as entered for confirmation with the Register of the Land Office, north of Red River, in said State, by the said Elijah L. Clarke.

Sec. 2. *And be it further enacted*, That the heirs and legal representatives of Lewis Clarke, deceased, be, and they are hereby, confirmed in their title to a tract of land containing six hundred and forty acres, situated on the Lake St. Joseph, in the county of Concordia, and State of Louisiana, adjoining the claim of Durosset, on the north, being claim number sixty-nine, as entered for confirmation with the Register of the Land Office, north of Red River, in said State, by said Lewis Clarke.

Sec. 3. *And be it further enacted*, That the Commissioner of the General Land Office shall, upon being presented with plats and certificates of survey of the said tracts of land, legally executed by a proper officer,

issue patents for the same, which patents shall operate only as a relinquishment on the part of the United States: *Provided*, nevertheless, that if, prior to the passage of this act, the land above specified shall have been sold by the United States, to any other person or persons, the same shall not be confirmed to the said Elijah L. Clarke, and the heirs and legal representatives of Lewis Clarke, but they shall, respectively, be at liberty to enter any other land, now subject to entry, within the same district, equal in quantity to that above mentioned; and a patent shall issue therefor, under the restrictions above recited. *And provided also*, That, should a part only of the said land have been sold, the said Elijah L. Clarke, and the heirs and legal representatives of Lewis Clarke, shall have liberty to take such parts of the said land as shall not have been sold, in part satisfaction of their claims respectively, and to enter elsewhere, within the said district, so much other land, as shall be equal to the part sold; or the said Elijah, and the said heirs and legal representatives, may, respectively, relinquish to the United States, all claim to the said land so remaining unsold, and enter elsewhere, within the said district, the quantity of land, (now subject to entry,) equal to their whole claims respectively.

Approved, February 27, 1830.

AN ACT making appropriations for the military service for the year one thousand eight hundred and thirty.

Be it enacted, &c. That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the Treasury, for the service of the military establishment, for the year one thousand eight hundred and thirty, viz:

For pay of the Army and subsistence of the officers, one million and sixty-three thousand nine hundred and nine dollars.

For forage for officers, forty-six thousand two hundred and nineteen dollars.

For clothing for the servants of officers, twenty thousand four hundred and thirty dollars.

For subsistence in addition to an unexpended balance of forty-five thousand dollars, two hundred and ninety-five thousand five hundred dollars.

For clothing for the Army, camp equipage, cooking utensils, and hospital furniture, in addition to materials and clothing on hand amounting to eighty thousand dollars, one hundred and thirty-six thousand three hundred and forty-four dollars.

For the Medical and Hospital Department, twenty-eight thousand dollars.

For the Quartermaster's Department, four hundred and seven thousand dollars.

For fuel, stationary, transportation, printing, postage, and forage for the Military Academy, nine thousand six hundred and sixty dollars.

For repairs and improvements of the buildings and grounds about the hospital at West Point, four thousand three hundred and ten dollars.

For defraying the expenses of the Board of Visitors at West Point, fifteen hundred dollars.

For hire of Quartermaster's and Adjutant's clerks, and assistants to Librarian and Professors of Chemistry, one thousand and ninety-two dollars.

For the increase of the Library, subscription to Military and Scientific Journals, and binding books, one thousand five hundred dollars.

For Philosophical Apparatus, one thousand nine hundred and fifty six dollars.

For Models and Modeller, and books on Architecture for Department of Engineering, one thousand dollars.

For repairing Mathematical Instruments, and for Models for Drawing Department, two hundred and fifty dollars.

For Apparatus pertaining to the Chemical and Mineralogical Department, Materia Chemica and contingencies, eight hundred and sixty-eight dollars and sixty-four cents.

For Miscellaneous items, one thousand six hundred and thirty-six dollars.

For incidental expenses, four hundred dollars.

For arrearages of Clerk hire for one thousand eight hundred and twenty-eight, two hundred and seventy dollars.

For contingencies of the Army, ten thousand dollars.

For the National Armories, three hundred and sixty thousand dollars.

For the armament of the Fortifications, one hundred thousand dollars.

For the current expenses of the Ordnance service, fifty six thousand dollars.

For Arsenal, ninety thousand two hundred dollars.

For the recruiting service, five thousand two hundred and ninety-two dollars, in addition to an unexpended balance of seventeen thousand and ninety-three dollars.

For contingent expenses of the recruiting service, nine thousand seven hundred and six dollars, in addition to an unexpended balance of three thousand and eighty-five dollars.

For arrearages prior to the first day of July, one thousand eight hundred and fifteen, five thousand dollars.

For arrearages between the first of July, one thousand eight hundred and fifteen, and the thirty-first of December, one thousand eight hundred and sixteen, one thousand dollars.

Approved, March 11, 1830.

AN ACT making appropriations for the Naval service, for the year one thousand eight hundred and thirty.

Be it enacted, &c. That the following sums be, and they are hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated:

For pay and subsistence of the officers of the Navy, and pay of seamen, one million four hundred and sixty-three thousand four hundred and forty-nine dollars.

For pay of superintendents, naval constructors, and all the civil establishment of the several Navy yards and stations, fifty-seven thousand six hundred and eighty dollars.

For provisions, four hundred and fifty-seven thousand five hundred and thirty-seven dollars.

For repairs of vessels in ordinary, and the wear and tear of vessels in commission, five hundred and ninety thousand dollars.

For medicines, surgical instruments, hospital stores, and other expenses on account of the sick, thirty thousand five hundred dollars.

For ordnance and ordnance stores, thirty thousand dollars.

For timber sheds, viz. one at Portsmouth, two at Boston, two at New York, one at Washington, and three at Norfolk, nine thousand five hundred dollars each, eighty-five thousand five hundred dollars.

For making and repairing timber docks at Norfolk, Washington, and Boston, eighteen thousand dollars.

For repairing and enlarging wharves at Washington and Norfolk, nineteen thousand dollars.

For repairs of storehouses at Washington, and for two building ways at Norfolk, eighteen thousand dollars.

For covering and preserving ships in ordinary, forty thousand dollars.

For the gradual increase of the Navy, to supply a sum taken from that fund, and applied to the purchase of iron water tanks, one hundred and fifty-two thousand three hundred and eighty dollars.

For defraying expenses that may accrue during the year one thousand eight hundred and thirty, for the following purposes, viz.:

For freight and transportation of materials and stores of every description ; for wharfage and dockage, storage and rent, travelling expenses of officers, and transportation of seamen, house rent, chamber money, and fuel and candles to officers, other than those attached to Navy Yards and stations, and for officers in sick quarters, where there is no hospital, and for funeral expenses ; for commissions, clerk hire, and office rent ; stationery and fuel to Navy Agents ; for premiums, and incidental expenses of recruiting ; for apprehending deserters ; for compensation to Judge Advocates ; for per diem allowances for persons attending courts martial and courts of enquiry, and for officers engaged in extra service beyond the limits of their stations ; for printing and stationery of every description, and for books, maps, charts, and mathematical and nautical instruments, chronometers, models and drawings ; for purchase and repair of steam and fire engines, and for machinery ; for purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description ; for postage of letters on public service ; for pilotage ; for cabin furniture of vessels in commission, and for furniture of officers' houses at Navy Yards ; for taxes on Navy Yards and public property ; for assistance rendered to vessels in distress ; for incidental labor at Navy Yards, not applicable to any other appropriation ; for coal and other fuel for forges, foundries, and steam-engines ; for candles, oil and fuel, for vessels in commission and in ordinary ; for repairs of magazines and powder-houses ; for preparing moulds for ships to be built ; and for no other object or purpose whatever, two hundred and fifty thousand dollars.

For contingent expenses for objects arising during the year one thousand eight hundred and thirty, and not herein before enumerated, five thousand dollars.

For the pay of the officers, non-commissioned officers, and privates, and for subsistence of officers of the marine corps, one hundred and seven thousand seven hundred and thirteen dollars.

For subsistence of four hundred non commissioned officers, musicians, and privates, and washerwomen serving on shore, seventeen thousand five hundred and twenty dollars.

For deficiency of the appropriation for pay and subsistence during the last year, eleven thousand nine hundred and seventy-three dollars.

For clothing, twenty-eight thousand seven hundred and sixty-five dollars.

For fuel, nine thousand and ninety-eight dollars.

For contingent expenses, fourteen thousand dollars.

For military stores, six thousand dollars.

For medicines, two thousand three hundred and sixty-nine dollars.

For completing the officers' quarters at the marine barracks in Washington, three thousand dollars.

Approved, March 11, 1830.

AN ACT making appropriations for the support of Government for the year one thousand eight hundred and thirty.

Be it enacted, &c. That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the Treasury, viz. :

For pay and mileage of the Members of Congress and Delegates, and pay of the Officers and Clerks of both Houses, five hundred and twenty-six thousand seven hundred dollars.

For contingent expenses of both Houses of Congress, one hundred and thirty-five thousand six hundred dollars ; to be applied to the expenditures of the contingent funds of the Senate and House of Representatives : *Provided*, That no part of this appropriation shall be applied to any printing, other than of such documents or papers,

as are connected with the ordinary proceedings of either of the said Houses, during its session, and executed by the public printers agreeably to their contracts, unless authorized by an act or joint resolution.

For the Library of Congress, five thousand dollars.

For salary of the Principal and Assistant Librarians, two thousand three hundred dollars.

For contingent expenses of the Library, four hundred and fifty dollars.

For compensation to the President and Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster-General, sixty thousand dollars.

For Clerks and Messengers in the Office of the Secretary of State, nineteen thousand and fifty dollars.

For Clerks, Machinist, and Messenger, in the Patent Office, five thousand four hundred dollars.

For incidental and contingent expenses of the Department of State, including the printing and distributing the laws, and extra copying of papers, twenty-seven thousand one hundred dollars.

For contingent expenses of the Patent Office, including books and binding, copper-plate and other printing, parchment, stationery, and fuel, one thousand one hundred dollars.

For compensation to the Marshals of certain States and Territories, for making returns of free taxable non-freeholders, per resolution of twenty-fifth April, one thousand eight hundred and twenty-eight, in addition to eight hundred and fifty dollars, appropriated by act of second March, one thousand eight hundred and twenty-nine, one thousand six hundred and fifty dollars.

To repay the State of Maine, for expenses paid in collecting evidence in relation to aggressions by inhabitants of New Brunswick, seven hundred and fifty dollars.

For publishing the laws of the second session of the Nineteenth Congress, in the newspaper *Halcyon*, published in Alabama, one hundred and twenty dollars.

For publishing the laws of the second session of the Twentieth Congress, in the *Eastern Argus*, published in Maine, sixty-five dollars.

For completing the sets of the Laws of the United States on hand in the Department of State, seven hundred and twenty-four dollars.

For completing the Fixtures in the Patent Office, four thousand six hundred dollars.

For compensation to the Clerks and Messengers in the office of the Secretary of the Treasury, fifteen thousand four hundred dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the Clerks and Messengers in the office of the First Comptroller, nineteen thousand one hundred dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the Clerks and Messenger in the office of the Second Comptroller, ten thousand four hundred and fifty dollars.

For compensation to the First Auditor of the Treasury three thousand dollars.

For compensation to the Clerks and Messenger in the office of the First Auditor, thirteen thousand nine hundred dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the Clerks and Messenger in the office of the Second Auditor, sixteen thousand nine hundred dollars.

For compensation to the Third Auditor of the Treasury three thousand dollars.

For compensation to the Clerks and Messengers in the

office of the Third Auditor, twenty-one thousand nine hundred dollars.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the Clerks and Messenger in the office of the Fourth Auditor, seventeen thousand seven hundred and fifty dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the Clerks and Messenger in the office of the Fifth Auditor, fifteen thousand one hundred dollars.

For compensation to the Treasurer of the United States three thousand dollars.

For compensation to the Clerks and Messenger in the office of the Treasurer of the United States, six thousand seven hundred and fifty dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to the Clerks and Messengers in the office of the Register of the Treasury, twenty-four thousand two hundred dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the Clerks and Messengers in the office of the Commissioner of the General Land Office, twenty thousand five hundred dollars.

For compensation to the Secretary to the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For expenses of stationery, printing, and all other incidental and contingent expenses of the several offices, of the Treasury Department, thirty-seven thousand five hundred dollars.

For erecting a building for the use of the State and Treasury buildings, including stone steps at the South front of the Treasury, and pavements, two thousand eight hundred dollars.

For compensation of superintendents and watchmen, and repairs of fire engines and buckets, for the security of the State and Treasury buildings, one thousand nine hundred dollars.

For compensation to Clerks and Messengers in the office of the Secretary of War, twenty-one thousand six hundred and fifty dollars.

For contingent expenses of the office of the Secretary of War, three thousand dollars.

For books, maps, and plans, for the War Department, one thousand dollars.

For compensation to the Clerks and Messenger, in the office of the Paymaster General, four thousand and six hundred dollars.

For compensation to Clerks and Messenger in the office of the Commissary General of Purchases, four thousand two hundred dollars.

For compensation to the Clerks in the office of the Adjutant General, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, including arrearages of six hundred dollars, in eighteen hundred and twenty-nine, one thousand six hundred dollars.

For compensation to the Clerks in the office of the Commissary General of Subsistence, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, two thousand six hundred dollars.

For compensation to the Clerks in the office of the Chief Engineer, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, one thousand dollars.

For compensation to the Clerks in the Ordnance Office, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, eight hundred dollars.

For compensation to the Clerk in the office of the Surgeon General, eleven hundred and fifty dollars.

For contingent expenses of said office, two hundred and twenty dollars.

For compensation to the Clerks in the office of the Quartermaster General, two thousand one hundred and fifty dollars.

For contingent expenses of said office, five hundred and ninety-seven dollars and fifty cents.

For compensation to the Clerks and Messengers in the office of the Secretary of the Navy, eleven thousand two hundred and fifty dollars.

For deficiency in the appropriations of one thousand eight hundred and twenty-nine, for salaries of Clerks in the office of the Secretary of the Navy, four hundred and nineteen dollars.

For contingent expenses of said office, three thousand dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Commissioners of the Navy Board, two thousand dollars.

For compensation to the Clerks, Draftsman, and Messenger, in the office of the Commissioners of the Navy Board, eight thousand four hundred and fifty dollars.

For contingent expenses of the office of the Commissioners of the Navy Board, one thousand eight hundred dollars.

For allowance to the superintendents and four watchmen, employed for the security of the records and buildings of the War and Navy Departments, and for incidental and contingent expenses, two thousand one hundred and fifty dollars.

For erecting a building for the use of the War and Navy Departments, and for pavements connected therewith, one thousand five hundred dollars.

For compensation to the two Assistant Postmasters General, five thousand dollars.

For compensation to the Clerks and Messengers in the office of the Postmaster General, forty-one thousand one hundred and fifty dollars.

For contingent expenses of said office, seven thousand five hundred dollars.

For superintendency of the buildings, making up blanks, and compensation to two watchmen and one laborer, sixteen hundred and forty dollars.

For compensation to the Surveyor General in Ohio, Indiana, and Michigan, two thousand dollars.

For compensation to the Clerks in the office of said Surveyor, two thousand one hundred dollars.

For compensation to the Surveyor South of Tennessee, two thousand dollars.

For compensation to the Clerks in the office of said Surveyor, one thousand seven hundred dollars.

For compensation to the Surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

For compensation to clerks in the office of said Surveyor, two thousand dollars.

For compensation to the Surveyor in Alabama, two thousand dollars.

For compensation to clerks in the office of said Surveyor, one thousand five hundred dollars.

For compensation to the Surveyor in Florida, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, two thousand dollars.

For compensation to the Commissioner of the Public Buildings in Washington City, two thousand dollars.

For compensation to the Officers and Clerk of the Mint, nine thousand six hundred dollars.

For compensation to assistants in the several departments of the Mint, including extra clerk hire and laborers, twelve thousand dollars.

For incidental and contingent expenses and repairs, cost of machinery, for allowance for wastage in gold and silver coinage of the Mint, seven thousand and eighty dollars.

For compensation to the Governor, Judges, and Secretary, of the Michigan Territory, seven thousand eight hundred dollars.

For contingent expenses of the Michigan Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislative Council, pay of the officers of the Council, fuel, stationery, and printing, including arrearages, eight thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Arkansas Territory, including an additional compensation to each Judge of eight hundred dollars, to twenty-sixth May, one thousand eight hundred and thirty, nine thousand and ninety-two dollars and thirty cents.

For contingent expenses of the Arkansas Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Florida Territory, ten thousand five hundred dollars.

For contingent expenses and arrearages of such expenses of the Florida Territory, eight hundred and sixty-one dollars and eighty-eight cents.

For compensation and mileage of the members of the Legislative Council, pay of officers and servants of the Council, fuel, stationery, printing, and distribution of the laws, seven thousand seven hundred and sixteen dollars.

For the payment of the session of the Legislative Council of Florida, ending the twenty-fourth of November, one thousand eight hundred and twenty-nine, and for arrearages from deficiencies of appropriation for the Legislative Council of Florida, in the years one thousand eight hundred and twenty-eight, and one thousand eight hundred and twenty-nine, eleven hundred and fifty dollars.

For compensation to the Chief Justice, the Associate Judges, and District Judges of the United States, including the Chief Justice and Associate Judges of the District of Columbia, including additional compensation of Judge of Missouri, to twenty-sixth May, one thousand eight hundred and thirty, seventy-eight thousand seven hundred and twenty-three dollars.

For compensation to the Attorney General of the United States, three thousand five hundred dollars.

For compensation to the Clerk in the office of the Attorney General, eight hundred dollars.

For compensation to the Reporter of the decisions of the Supreme Court, one thousand dollars.

For compensation to the District Attorneys and Marshals, as granted by law, including those in the several Territories, eleven thousand three hundred dollars.

For defraying the expenses of the Supreme Circuit and District Courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and thirty, and preceding years; and, likewise, for defraying the expenses of suits in which the United States are concerned, and of prosecution for offences committed against the United States, and for the safe-keeping of prisoners, one hundred and fifty thousand dollars.

For the payment of sundry pensions granted by the late and present Governments, one thousand seven hundred and fifty dollars.

For the support and maintenance of light-houses, floating-lights, beacons, buoys, and stakeages, including the purchase of oil, keepers' salaries, repairs, and improvements, and contingent expenses, one hundred and eighty-six thousand and three dollars and thirteen cents.

For building a light house on a ledge of rocks called the Whale's Back, in the harbor of Portsmouth, being the amount of an appropriation for that object, which was carried to the surplus fund on the thirty-first of December, one thousand eight hundred and twenty-nine, one thousand five hundred dollars.

For building a light-house at Cat Island, in the Gulf of Mexico, being the amount of an appropriation for that object, which was carried to the surplus fund on the thirty-first of December, one thousand eight hundred and twenty-nine, five thousand dollars.

For erecting a beacon in the harbor at the mouth of Bass river, between the towns of Dennis and Yarmouth, in Massachusetts, being the amount of an appropriation for that object, which was carried to the surplus fund on the thirty-first of December, one thousand eight hundred and twenty-nine, one thousand dollars.

For erecting a pier adjacent to the pier at Buffalo, in New York, and placing thereon the light house authorized to be built at the East end of Lake Erie, by act of the eighteenth of May, one thousand eight hundred and twenty-six, being the balance of an appropriation for that object, which was carried to the surplus fund on the thirty-first of December, one thousand eight hundred and twenty-nine, two thousand five hundred dollars.

For building a light-house at the South entrance of Roanoke Marshes, in North Carolina, in addition to the appropriation of five thousand dollars, made March second, one thousand eight hundred and twenty-eight, five thousand dollars.

For rebuilding the light house at West Passamaquoddy Head, in Maine, eight thousand dollars.

For building a light vessel, to be placed on Carysfort Reef, in the Territory of Florida, the one heretofore stationed there having become so decayed as to be irreparable, twenty thousand dollars.

For surveying private land claims in East Florida, eight thousand dollars.

For the salaries of Registers and Receivers of Land Offices, where there are no sales, two thousand dollars.

For the salaries of two Keepers of the Public Archives in Florida, one thousand dollars.

For stationery and books for the offices of Commissioners of Loans, five hundred dollars.

For allowance to the Law Agent, Assistant Consul, and District Attorney, under the act supplementary to the several acts providing for the settlement of private land claims in Florida, dated twenty-third of May, one thousand eight hundred and twenty-eight, including contingencies, two thousand five hundred dollars.

For the second payment to Luigi Persico, for statues for the Capitol, four thousand dollars.

For finishing the Custom House and Warehouse at Portland, Maine, and for repairing the wharf and clearing out the dock belonging to the same, two thousand one hundred dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury, twelve thousand dollars.

For the salaries of the Ministers of the United States to Great Britain, France, Spain, Russia, the Netherlands, and Colombia; for outfits of Ministers of the U. States to Great Britain, France, Spain, and Colombia, and a Chargé d'Affairs to Mexico; for outfits for Chargé d'Affairs to Sweden, Peru, and Guatemala; for the salaries of the Chargé d'Affairs of the United States to Portugal, Denmark, Sweden, Brazil, Buenos Ayres, Peru, Chili, Mexico, and Guatemala; for the salaries of the Secretaries of Legation; and for the contingent expenses of all the missions abroad, one hundred and eight-four thousand five hundred dollars.

For the salaries of Agents for claims at London and Paris, four thousand dollars.

For the expenses of intercourse with the Barbary Powers, thirty thousand dollars.

For the relief and protection of American Seamen in foreign countries, fifteen thousand dollars.

For the contingent expenses of foreign intercourse, thirty thousand dollars.

For surveying, printing, clerk hire, and other expenses, in relation to the Northeastern Boundary Agency, five thousand four hundred dollars.

For discharging the expense of taking the fifth enumeration of the inhabitants of the United States, two hundred and fifty thousand dollars, in addition to the sum of three hundred and fifty thousand dollars, appropriated for that purpose by the act of March second, one thousand eight hundred and twenty-nine.

For enabling the Secretary of State to execute a contract with Jared Sparks, of Boston, made by Henry Clay, late Secretary of State, for printing and publishing the foreign correspondence of the Congress of the United States, from the first meeting thereof, to the ratification of the definitive Treaty of Peace, in one thousand seven hundred and eighty three, thirty-one thousand three hundred dollars.

Approved, March 18, 1830.

AN ACT for the relief of Richard Biddle, administrator of John Wilkins, Jr. formerly Quartermaster General of the Army of the United States.

Be it enacted, &c. That the proper accounting officers be, and are hereby, authorized and directed to settle and adjust the accounts of John Wilkins, Jr. formerly Quartermaster General of the Army of the United States, upon the principles of equity and justice.

Approved, March 18, 1830.

AN ACT for the further regulation of vessels bound up James river, in the State of Virginia.

Be it enacted, &c. That, from and after the passage of this act, it shall not be necessary for any vessel bound up James river, in the State of Virginia, to stop in Hampton Roads, to deposit a manifest with the Collector at Norfolk.

Sec. 2. *And be it further enacted,* That it shall be the duty of the master of the revenue cutter on that station, under the orders of the Secretary of the Treasury, to board all such vessels, to endorse their manifests, and to place an officer on each vessel bound up James river, having a cargo from a foreign port.

Sec. 3. *And be it further enacted,* That whenever there shall be no revenue cutter on that station for the purpose of boarding vessels, or when the state of the weather may be such as to render it impracticable to send an officer on board, any vessel bound up James river, having a cargo from a foreign port, the Captain is hereby authorized and directed to deposit, with the Surveyor at Hampton, a copy of the manifest of the cargo on board such vessel.

Approved, March 23, 1830.

AN ACT to continue in force "An act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, and for other purposes.

Be it enacted, &c. That the act of the twenty-second of May, one thousand eight hundred and twenty-six, entitled "An act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof," be, and the same is hereby, continued in force for the term of five years. And the provisions of the above recited act shall be, and

are hereby, extended to those having like claims in the States of Illinois and Missouri.

Approved, March 25, 1830.

AN ACT for the relief of Antoine Prudhomme, Louis Closeau, and Gilbert Closeau, of Louisiana.

Be it enacted, &c. That the claim of Antoine Prudhomme, for six hundred and forty acres of land, situated on the right bank of the Rigolet de Bon Dieu, in the Parish of Nachitochez, and opposite to the place called Petite Ecure; as also the claim of Louis Closeau, to six hundred and forty arpents of land, situated on the right bank of Red River; and the claim of Gilbert Closeau, to four hundred arpents of land, situated on the same side of said river, and bounded above by the claim of Louis Closeau, be, and the same are hereby, confirmed; and the Commissioner of the General Land Office is hereby required, upon the presentation of plats and surveys of the said several tracts of land, regularly made, by competent authority, to issue patents to the said respective claimants, for the lands hereby confirmed to each: *Provided,* That this act shall amount only to a relinquishment on the part of the United States; and shall in no manner affect the rights of third persons.

Approved, March 23, 1830.

AN ACT for the relief of the heirs of John Pierre Landerneau, deceased.

Be it enacted, &c. That the Commissioner of the General Land Office, upon application, cause a patent to be issued to the heirs of John Pierre Landerneau, deceased, for four hundred arpents of land, situated in the parish of Ouachita, in the State of Louisiana, according to the boundaries of a plat thereof, made for the said John Pierre Landerneau, on the twenty-third day of October, eighteen hundred and two, by James M'Laughlin, formerly a Spanish Surveyor, in the said parish of Ouachita: *Provided,* That this act shall not prejudice, or in any way affect, the rights of any third person.

Approved, March 23, 1830.

AN ACT for the relief of Hyacinth Bernard.

Be it enacted, &c. That Hyacinth Bernard be, and he is hereby, confirmed in his claim to thirty-three arpents of land, by forty arpents in depth, on both sides of the Bayou Teche, in the State of Louisiana, to be surveyed and taken according to the plat of survey made by James L. Johnson, on the twenty-first of November, one thousand eight hundred and twenty-three, and as recommended for confirmation by the Commissioner of the Land Office, to whom it was presented: *Provided,* That this act shall only be construed to a relinquishment on the part of the United States, and shall not interfere with the rights of third persons.

Approved, March 23, 1830.

AN ACT, making appropriations to carry into effect certain Indian Treaties.

Be it enacted, &c. That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the Treasury, viz:

For payment for the year one thousand eight hundred and thirty, of the permanent annuity provided for by the second article of the treaty concluded at Prairie du Chien, the twenty-ninth July, one thousand eight hundred and twenty-nine, with the Chippewa, Ottawa, and Pottawattamie Indians, sixteen thousand dollars.

For the purchase of goods, stipulated by the said article to be delivered to the said Indians, twelve thousand dollars.

For the purchase of fifty barrels of salt, for one thousand eight hundred and thirty, stipulated by the said article, one hundred and twenty-five dollars.

For transportation of the said annuity and salt, and expense of provisions at the delivery of the same, one thousand dollars.

For the payment of claims provided for by the fifth article of the said treaty, eleven thousand six hundred and one dollars.

For the expense of surveying the boundaries of the cession made by the said treaty, two thousand dollars.

For the payment, for the year one thousand eight hundred and thirty, of the limited annuity provided by the second article of the treaty made at Prairie du Chien, the second August, one thousand eight hundred and twenty-nine, with the Winnebago Indians, eighteen thousand dollars.

For purchasing goods to be delivered at the treaty as stipulated by the said second article, thirty thousand dollars.

For purchasing three thousand pounds of tobacco, per same article, for one thousand eight hundred and thirty, three hundred dollars.

For transportation of the same, sixty dollars.

For purchasing fifty barrels of salt, per said second article, one hundred and twenty-five dollars.

For the transportation of the same, one hundred dollars.

For support of three blacksmiths' shops, including pay of smiths, and assistants, also tools, iron, steel, &c. for the year one thousand eight hundred and thirty, as per third article of said treaty, three thousand dollars.

For the purchase of two yoke of oxen and a cart, and for the service of a man at the portage of Wisconsin and Fox rivers, for one thousand eight hundred and thirty, as per same article, five hundred and thirty-five dollars.

For the payment of sundry claims against the Winnebagoes, as provided for by the fourth article of said treaty, twenty-three thousand five hundred and thirty-two dollars.

For expense of surveying the boundaries of the territory ceded by the said treaty, one thousand seven hundred and forty dollars.

Approved, March 25, 1830.

AN ACT to provide for the payment of sundry citizens of the Territory of Arkansas, for trespasses committed on their property by the Osage Indians, in the years one thousand eight hundred and sixteen, one thousand eight hundred and seventeen, and one thousand eight hundred and twenty-three.

Be it enacted &c. That the Secretary of War be, and he hereby is, directed to pay to Robert Kerkendall, the sum of four thousand four hundred and ten dollars, in full compensation for sixty-three horses and mules, taken from him by the Osage Indians, in the year one thousand eight hundred and sixteen, that he likewise pay to Joseph English, eight hundred and fifteen dollars, in full compensation for six horses, taken from him by said Indians, in the year one thousand eight hundred and seventeen; also, to John Bowman, eight hundred and seventy dollars, in full compensation for eleven horses, taken from him in the year one thousand eight hundred and twenty-three; and likewise to Antoine Barrague, six hundred and sixty one dollars, in full compensation for property of his destroyed and taken, by the Osage Indians, in the year one thousand eight hundred and twenty-three.

Approved, March 25, 1830.

AN ACT for the relief of Abigail Appleton.

Be it enacted, &c. That the Secretary of the Navy be, and hereby is, authorized and required to place the name of Abigail Appleton, the widow of Daniel Appleton, upon the pension list, and to allow to her a pension, to commence from the third day of September, one thousand eight hundred and twenty-nine, pursuant to the pro-

visions of the act, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," and the act to which the same is an addition, subject to the conditions and limitations therein contained.

Approved, March 3, 1830.

AN ACT for the relief Elizabeth Mays.

Be it enacted, &c. That a pension of one hundred and fourteen dollars per annum, for the term of five years from the third day of September, one thousand eight hundred and twenty-nine, be allowed and paid, in half-yearly payments, out of the Navy Pension Fund, to Elizabeth Mays, the mother of Wilson Mays, late a Carpenter's Mate in the Navy of the United States: *Provided, however,* That such pension shall be deemed to continue only during the life and widowhood of the said Elizabeth Mays.

Approved, March 25, 1830.

AN ACT for the relief of Henry Dickens and others.

Be it enacted, &c. That the Collector of the Customs for the district of New London, in Connecticut, is hereby authorized to pay to Henry Dickens, Thomas Dunbar, jr. and Trustum Dickens, owners of a fishing schooner called the Whale, of sixty eight tons and sixty-eight ninety-fifths of a ton burthen, and to the persons composing her late crew, such allowance, to be distributed according to law, as they would have been entitled to receive, had she completed her fishing term; the said schooner having returned into port three days before the expiration of the four months required, in consequence of the death of one, and the sickness of three others of her crew.

Approved, March 25, 1830.

AN ACT to provide for taking the fifth Census or enumeration of the Inhabitants of the United States.

Be it enacted, &c. That the Marshals of the several Districts of the United States, and of the District of Columbia, and of the Territories of Michigan, Arkansas, and of Florida, respectively, shall be, and are hereby, required, under the direction of the Secretary of the Department of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective Districts and Territories, (omitting in such enumeration, Indians not taxed,) to be taken, according to the directions of this act. The said enumeration shall distinguish the sexes of all free white persons, and ages of the free white males and females, respectively, under five years of age; those of five and under ten years of age; those of ten years and under fifteen; those of fifteen and under twenty; those of twenty and under thirty; those of thirty and under forty; those of forty and under fifty; those of fifty and under sixty; those of sixty and under seventy; those of seventy and under eighty; those of eighty and under ninety; those of ninety and under one hundred; those of one hundred and upwards; and shall further distinguish the number of those free white persons included in such enumeration, who are deaf and dumb, under the age of fourteen years; and those of the age of fourteen years and under twenty-five, and of the age of twenty-five years, and upwards; and shall further distinguish the number of those free white persons included in such enumeration, who are blind. The said enumeration shall distinguish the sexes of all free colored persons, and of all other colored persons bound to service for life, or for a term of years, and the ages of such free and other colored persons respectively, of each sex, under ten years of age; those of ten and under twenty-four; those of twenty-four and under thirty-six; those of thirty-six and under fifty-five; those of fifty-five and under one hundred; and those of one hundred and upwards; and shall further distin-

guish the number of those free colored and other colored persons, including, in the foregoing, those who are deaf and dumb, without regard to age, and those who are blind. For effecting which, the Marshals aforesaid shall have power, and are hereby required, to appoint one or more assistants in each city and county in their respective districts and territories, residents of such city or county for which they shall be appointed, and shall assign to each of the said assistants a certain division of territory, which division shall not consist, in any case, of more than one county, but may include one or more towns, townships, wards, hundreds, precincts, or parishes, and shall be plainly and distinctly bounded; the said enumeration shall be made by an actual inquiry by such Marshals or assistants, at every dwelling house, or by personal inquiry of the head of every family. The marshals and their assistants shall, respectively, before entering on the performance of their duty under this act, take and subscribe an oath or affirmation, before some Judge or Justice of the Peace, resident within their respective districts or territories, for the faithful performance of their duties. The oath or affirmation of the Marshal shall be as follows: "I, A. B., Marshal of the District (or Territory) of _____, do solemnly swear, (or affirm) that I will truly and faithfully cause to be made, a full and perfect enumeration and description of all persons resident within my District, (or Territory) and return the same to the Secretary of State, agreeably to the directions of an act of Congress, entitled 'An act to provide for taking the fifth Census or enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be as follows: "I, A. B., appointed an assistant to the Marshal of the District, (or Territory) of _____, do solemnly swear, (or affirm) that I will make a just, faithful, and perfect enumeration and description of all persons, resident within the division assigned to me for that purpose, by the Marshal of the District, (or Territory) of _____, and make due return thereof to said Marshal, agreeably to the directions of an act of Congress, entitled 'An act to provide for taking the fifth Census or enumeration of the inhabitants of the United States,' according to the best of my ability, and that I will take the said enumeration and description, by actual inquiry at every dwelling house within said division, or personal inquiry of the head of every family, and not otherwise." The enumeration shall commence on the first day in June, in the year one thousand eight hundred and thirty, and shall be completed and closed within six calendar months thereafter: the several assistants shall, within the said six months, and on or before the first day of December, one thousand eight hundred and thirty, deliver to the Marshals, by whom they shall be appointed, respectively, two copies of the accurate returns of all persons, except Indians not taxed, to be enumerated, as aforesaid, within their respective divisions; which returns shall be made in a schedule, the form of which is annexed to this act, and which shall distinguish, in each county, city, town, township, ward, precinct, hundred, district, or parish, according to the civil divisions of the States or Territories, respectively, the several families, by the name of their master, mistress, steward, overseer, or other principal persons therein.

Sec. 2. *And be it further enacted*, That every assistant failing or neglecting to make a proper return, or making a false return, of the enumeration, to the Marshal, within the time limited by this act, shall forfeit the sum of two hundred dollars, recoverable in the manner pointed out in the next section of this act.

Sec. 3. *And be it further enacted*, That the Marshals shall file one copy of each of the several returns aforesaid, and, also, an attested copy of the aggregate amount herein directed, to be transmitted by them, respectively,

to the Secretary of State, with the Clerks of their respective District or Superior Courts, as the case may be, who are hereby directed to receive, and carefully to preserve, the same; and the Marshals, respectively, shall, on or before the first day of February, in the year one thousand eight hundred and thirty-one, transmit to the Secretary of State one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons within their respective Districts or Territories; and every Marshal failing to file the returns of his assistants, or the returns of any of them, with the Clerks of the respective Courts, as aforesaid, or failing to return one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons, in their respective Districts or Territories, as required by this act, and as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of one thousand dollars, which forfeit shall be recoverable in the Courts of the Districts or Territories where the said offences shall be committed, or within the Circuit Courts held within the same, by action of debt, information, or indictment; the one half thereof to the use of the United States, and the other half to the informer; but, where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use; and, for the more effectual discovery of such offences, the Judges of the several District Courts, in the several Districts, and of the Supreme Courts, in the Territories of the United States, as aforesaid, at their next session, to be held after the expiration of the time allowed for making the returns of the enumeration, hereby directed, to the Secretary of State, shall give this act in charge to the grand juries, in their respective Courts, and shall cause the returns of the several assistants, and the said attested copy of the aggregate amount, to be laid before them for their inspection. And the respective Clerks of the said Courts shall, within thirty days after the said original returns shall have been laid before the Grand Juries aforesaid, transmit and deliver all such original returns, so filed, to the Department of State.

Sec. 4. *And be it further enacted*, That every assistant shall receive at the rate of one dollar and twenty-five cents for every hundred persons by him returned, where such persons reside in the country; and, where such persons reside in a city or town, containing more than three thousand persons, such assistant shall receive at the same rate for three thousand, and at the rate of one-dollar and twenty-five cents for every three hundred persons over three thousand residing in such city or town; but where, from the dispersed situation of the inhabitants, in some divisions, one dollar and twenty-five cents will not be sufficient for one hundred persons, the Marshals, with the approbation of the Judges of their respective Districts or Territories, may make such further allowance to the assistants, in such divisions, as shall be deemed an adequate compensation: *Provided*, the same does not exceed one dollar and seventy-five cents for every fifty persons by them returned: *Provided further*, That, before any assistant, as aforesaid, shall, in any case, be entitled to receive said compensation, he shall take and subscribe the following oath or affirmation, before some Judge or Justice of the Peace, authorized to administer the same, to wit: "I, A. B., do solemnly swear, (or affirm) that the number of persons set forth in the return made by me, agreeably to the provisions of the act, entitled 'An act to provide for taking the fifth census or enumeration of the inhabitants of the United States,' have been ascertained by an actual inquiry at every dwelling house, or a personal inquiry of the head of every family, in exact conformity with the provisions of said act; and that I have, in every respect, fulfilled the duties required of me by said act, to the best of my abilities; and that the return aforesaid is

correct and true, according to the best of my knowledge and belief." The compensation of the several Marshals shall be as follows :

The Marshal of the District of Maine, three hundred dollars.

The Marshal of the District of New Hampshire, three hundred dollars.

The Marshal of the District of Massachusetts, three hundred and fifty dollars.

The Marshal of the District of Rhode Island, two hundred dollars.

The Marshal of the District of Vermont, three hundred dollars.

The Marshal of the District of Connecticut, two hundred and fifty dollars.

The Marshal of the Southern District of New York, three hundred dollars.

The Marshal of the Northern District of New York, three hundred dollars.

The Marshal of the District of New Jersey, two hundred and fifty dollars.

The Marshal of the Eastern District of Pennsylvania, three hundred dollars.

The Marshal of the Western District of Pennsylvania, three hundred dollars.

The Marshal of the District of Delaware, one hundred and fifty dollars.

The Marshal of the District of Maryland, three hundred and fifty dollars.

The Marshal of the Eastern District of Virginia, three hundred dollars.

The Marshal of the Western District of Virginia, three hundred dollars.

The Marshal of the District of Kentucky, three hundred and fifty dollars.

The Marshal of the District of North Carolina, three hundred and fifty dollars.

The Marshal of the District of South Carolina, three hundred and fifty dollars.

The Marshal of the District of Georgia, three hundred and fifty dollars.

The Marshal of the District of East Tennessee, two hundred dollars.

The Marshal of the District of West Tennessee, two hundred dollars.

The Marshal of the District of Ohio, four hundred dollars.

The Marshal of the District of Indiana, two hundred and fifty dollars.

The Marshal of the District of Illinois, two hundred dollars.

The Marshal of the District of Mississippi, two hundred dollars.

The Marshals of the Districts of Louisiana, one hundred and twenty five dollars each.

The Marshal of the District of Alabama, two hundred and fifty dollars.

The Marshal of the District of Missouri, two hundred dollars.

The Marshal of the District of Columbia, one hundred dollars.

The Marshal of the Michigan Territory, one hundred and fifty dollars.

The Marshal of the Arkansas Territory, one hundred and fifty dollars.

The Marshals of the Territory of Florida, respectively, one hundred dollars.

Sec. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family, on the said first day in June, one thousand eight hundred and thirty, shall be returned as of such family ; and the name of every person who shall be an inhabitant of any District or Territory, without a settled place of residence, shall

be inserted in the column of the schedule which is allotted for the heads of families, in the division where he or she shall be, on the first day in June ; and every person occasionally absent at the time of enumeration, as belonging to the place in which he or she usually resides in the United States.

Sec. 6. *And be it further enacted*, That each and every free person, more than sixteen years of age, whether heads of families or not, belonging to any family within any division, District or Territory, made or established within the United States, shall be, and hereby is, obliged to render to the assistant of the division, if required, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered in any action of debt, by such assistant ; the one half to his own use, and the other half to the use of the United States.

Sec. 7. *And be it further enacted*, That each and every assistant, previous to making his return to the Marshal, shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned ; for each of which copies the said assistant shall be entitled to receive five dollars : *Provided*, Proof of the schedule having been set up, shall be transmitted to the Marshal, with the return of the number of persons ; and, in case any assistant shall fail to make such proof to the Marshal, with the return of the number of persons, as aforesaid, he shall forfeit the compensation allowed him by this act.

Sec. 8. *And be it further enacted*, That the Secretary of State shall be, and hereby is, authorized and required to transmit to the Marshals of the several Districts and Territories, regulations and instructions, pursuant to this act, for carrying the same into effect ; and, also, the forms contained therein, of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories, to be administered by the several persons to be employed in taking the enumeration.

Sec. 9. *And be it further enacted*, That those States comprising two Districts, and where a part of the County may be in each District, such County shall be considered as belonging to that District in which the Court-house of said County may be situate.

Sec. 10. *And be it further enacted*, That, in all cases where the superficial content of any County, or parish, shall exceed twenty miles square, and the number of inhabitants in said parish or county, shall not exceed three thousand, the Marshals or assistants shall be allowed, with the approbation of the Judges of the respective districts or territories, such further compensation as shall be deemed reasonable : *Provided*, The same does not exceed four dollars for every fifty persons by them returned ; and when any such county or parish shall exceed forty miles square, and the number of inhabitants in the same shall not exceed three thousand, a like allowance shall be made, not to exceed six dollars for every fifty persons so returned.

Sec. 11. *And be it further enacted*, That, when the aforesaid enumeration shall be completed, and returned to the office of the Secretary of State, by the Marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of Congress, three thousand copies of the aggregate returns received from the Marshals : *And provided*, That if any Marshal, in any District within the United States or Territories, shall, directly or indirectly, ask, demand or receive, or contract to receive, of any assistance to be appointed by him under this act, any fee, reward or compensation, for the appointment of such assistant to discharge the duties re-

quired of such assistant under this act, or shall retain from such assistant any portion of the compensation allowed to the assistant by this act, the said Marshall shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay the amount of five hundred dollars, for each offence, to be recovered by suit or indictment in any Circuit or District Court in the United States, or the Territories thereof, one half to the use of the Government, and the other half to the informer; and all contracts which may be made in violation of this law, shall be void, and all sums of money or property paid, may be recovered back by the party paying the same, in any court having jurisdiction of the same.

Sec. 12. *And be it further enacted*, That there shall be allowed and paid to the Marshals of the several States, Territories, and the District of Columbia, the amount of postage by them respectively paid on letters relating to their duties under this act.

Sec. 13. *And be it further enacted*, That the President of the United States is hereby authorized to cause to be made a careful revision of the statements heretofore transmitted to Congress, of all former enumerations of the population of the United States and their Territories, and to cause an abstract of the aggregate amount of population in each State and Territory, to be printed by the printer to Congress, (designating the number of inhabitants of each description, by counties or parishes,) to the number of two thousand copies, which said copies shall be distributed as Congress shall hereafter direct, and for that purpose, the sum of two thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

SCHEDULE of the whole number of persons within the division allotted to A B, by the Marshal of the District (or Territory) of —

Slaves and colored persons included in foregoing.	Who are bound.
	Who are deaf and dumb of the age of twenty-five and upwards.
	Who are deaf and dumb of the age of fourteen and under twenty-five.
	Who are deaf and dumb under fourteen years of age.
White persons included in the foregoing.	ALIENS,—Foreigners not naturalized.
	Who are blind.
	Who are deaf and dumb of twenty-five and upwards.
	Who are deaf and dumb of the age of fourteen and under twenty-five.
	Who are deaf and dumb under fourteen years of age.
TOTAL.	
FREE COLORED PERSONS.	FEMALES.
	Of one hundred and upwards.
	Of fifty five and under one hundred.
	Of thirty-six and under fifty-five.
	Of twenty-four and under thirty-six.
	Of ten and under twenty-four.
	Under ten years of age.
	MALES.
	Of one hundred and upwards.
	Of fifty-five and under one hundred.
	Of thirty six and under fifty-five.
	Of twenty-four and under thirty-six.
	Of ten and under twenty-four.
	Under ten years of age.

SLAVES.	FEMALES.
	Of one hundred and upwards.
	Of fifty-five and under one hundred.
	Of thirty-six and under fifty-five.
	Of twenty-four and under thirty-six.
	Of ten and under twenty-four.
	Under ten years of age.
	MALES.
	Of one hundred and upwards.
	Of fifty-five and under one hundred.
	Of thirty-six and under fifty-five.
	Of twenty-four and under thirty-six.
	Of ten and under twenty-four.
	Under ten years of age.
FREE WHITE PERSONS, (Including Heads of Families.)	FEMALES.
	Of one hundred and upwards.
	Of ninety and under one hundred.
	Of eighty and under ninety.
	Of seventy and under eighty.
	Of sixty and under seventy.
	Of fifty and under sixty.
	Of forty and under fifty.
	Of thirty and under forty.
	Of twenty and under thirty.
	Of fifteen and under twenty.
	Of ten and under fifteen.
	Of five and under ten.
	Under five years of age.
	MALES.
	Of one hundred and upwards.
	Of ninety and under one hundred.
	Of eighty and under ninety.
	Of seventy and under eighty.
	Of sixty and under seventy.
	Of fifty and under sixty.
	Of forty and under fifty.
	Of thirty and under forty.
	Of twenty and under thirty.
	Of fifteen and under twenty.
	Of ten and under fifteen.
	Of five and under ten.
	Under five years of age.

Names of Heads of Families.

Names of County, City, Ward, Town, Township, Parish, Precinct, Hundred, or District.

Approved, March 23, 1830.

AN ACT for the relief of Cread Glover.

Be it enacted, &c. That the Secretary of the Treasury pay to Cread Glover, out of any money in the Treasury, not otherwise appropriated, the sum of sixty dollars, the value of a horse lost by him while in the military service of the United States, during the late war, in the expedition under the command of Governor Shelby, by reason of said Glover's being dismounted and separated from his horse at the mouth of Portage river, in the State of Ohio.

Approved, March 25, 1830.

AN ACT for the relief of Francis Comparet.

Be it enacted, &c. That the Secretary of War be, and he is hereby, authorized to pay to Francis Comparet, five hundred dollars, that being the sum stipulated to be paid to him, by the name of Jean B. Comparet, in the treaty held with the Pottawattamie tribe of Indians, at St. Joseph, September, one thousand eight hundred and twenty-eight.

Approved, March 25, 1830.

AN ACT for the relief of Thomas Buford.

Be it enacted, &c. That the sum of six hundred dollars be paid to Thomas Buford, out of any money in the Treasury, not otherwise appropriated, for his services as a Deputy Quartermaster General, from the twenty-ninth day of June, one thousand eight hundred and twelve, to the third day of July, one thousand eight hundred and thirteen.

Approved, March 25, 1830.

AN ACT for the relief of the purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States.

Be it enacted, &c. That all purchasers, their heirs, or assignees, of such of the public lands of the United States as were sold on a credit, and on which a further credit has been taken, under any of the laws passed for the relief of purchasers of public lands, and which lands have reverted to the United States, on account of the balance due thereon not having been paid or discharged agreeably to said relief laws, such persons may avail themselves of any one of the three following provisions contained in this section, to wit: First, They shall have a right of pre-emption of the same lands, until the fourth day of July, one thousand eight hundred and thirty-one, upon their paying into the proper office the sum per acre therefor, which shall, at the time of payment, be the minimum price per acre of the public lands of the United States, in addition to the amount heretofore paid thereon, and forfeited: *Provided*, That the price, including what has already been paid, and the amount to be paid, shall not, in any case, exceed three dollars and fifty cents per acre: Second, They shall have the right of completing the payment of said lands, by paying the balance of the principal debt due thereon, in cash, subject to a deduction of thirty-seven and a half per cent., as heretofore, at any time previous to the fourth day of July, one thousand eight hundred and thirty-one: Third, They shall have the right, within nine months from the passage of this act, in all cases where the price for which said lands were sold did not exceed two dollars and fifty cents per acre, to draw scrip for the amount paid thereon, in the manner prescribed in the act, approved the twenty-third day of May, one thousand eight hundred and twenty-eight, entitled "An act for the relief of purchasers of public lands that have reverted for non-payment of the purchase money;" and which scrip shall be receivable in the same manner as directed by said act, except only that it shall not be taken in payment for lands hereafter bought at public sale.

Sec. 2. And be it further enacted, That all purchasers, their heirs, or assignees, of such of the public lands of the United States as were sold on credit, and which lands have, by such persons, been relinquished under any of the laws passed for the relief of purchasers of public lands, and the amount paid thereon applied in payment of other lands retained by them, and which relinquished lands, or any part thereof, may now be in possession of such persons: or in case the certificate of purchase, and part payment of said lands, has been transferred by the persons now in possession of said land, or part thereof, or the persons under whom the present occupants may hold such possession, to some other person not in possession thereof, and the payment made thereon applied by such other person, or his assignee, in payment for land held in his own name: In either case, the persons so in possession shall have the right of pre-emption of the same lands, according to the legal subdivisions of sections, not exceeding the quantity of two quarter sections, in contiguous tracts, until the fourth day of July, one thousand eight hundred and thirty-one, upon their paying into the proper office, the sum per acre therefor,

which shall, at the time of payment, be the minimum price per acre of the United States' public lands; and, in addition thereto, the same amount per acre heretofore paid thereon, and applied to other lands, subject to a deduction of thirty-seven and a half per cent. on the last mentioned sum: *Provided*, That the sum to be paid shall not, in any case, exceed three dollars and fifty cents per acre: *Provided also*, That such persons only shall be entitled to the benefits of this section, who shall apply for the same, and prove their possession, to the satisfaction of the Register and Receiver of the District in which the land may lie, in the manner to be prescribed by the Commissioner of the General Land Office, within nine months from the passage of this act; for which such Register and Receiver, shall each be entitled to receive from such applicants, the sum of fifty cents each: *And provided further*, That the provisions of this section shall not extend to any lands that have, in any manner, been disposed of by the United States.

Sec. 3. And be it further enacted, That, on failure to apply for, and show a right of pre-emption, under the second section of this act, within the time allowed therefor; and also, on failure to complete the payment on any of the lands, agreeably to the provisions of this act, within the period allowed for that purpose, in either case, the whole of such lands shall be forthwith offered for sale without delay.

Sec. 4. And be it further enacted, That if any person or persons shall, before or at the time of the public sale of any of the lands of the United States, bargain, contract, or agree, or shall attempt to bargain, contract, or agree with any other person or persons, that the last named person or persons, shall not bid upon, or purchase the land so offered for sale, or any parcel thereof, or shall, by intimidation, combination, or unfair management, hinder or prevent, or attempt to hinder or prevent any person or persons, from bidding upon, or purchasing any tract or tracts of land so offered for sale, every such offender, his, her, or their aiders and abettors, being thereof duly convicted, shall, for every such offence, be fined not exceeding one thousand dollars, or imprisoned not exceeding two years, or both, in the discretion of the Court.

Sec. 5. And be it further enacted, That if any person or persons, shall, before, or at the time of the public sale of any of the lands of the United States, enter into any contract, bargain, agreement, or secret understanding with any other person or persons, proposing to purchase such land, to pay or give to such purchasers for such land; a sum of money, or other article of property, over and above the price at which the land may, or shall be bid off by such purchasers, every such contract, bargain, agreement, or secret understanding, and every bond, obligation, or writing of any kind whatsoever, founded upon or growing out of the same, shall be utterly null and void. And any person or persons being a party to such contract, bargain, agreement, or secret understanding, who shall or may pay to such purchasers, any sum of money or other article of property, as aforesaid, over and above the purchase money of such land, may sue for and recover such excess from such purchasers, in any Court having jurisdiction of the same. And if the party aggrieved have no legal evidence of such contract, bargain, agreement, or secret understanding, or of the payment of the excess aforesaid, he may, by bill in equity, compel such purchasers to make discovery thereof; and if, in such case, the complainant shall ask for relief, the Court in which the bill is pending may proceed to final decree between the parties to the same: *Provided*, every such suit, either in law or equity, shall be commenced within six years next, after the sale of said land by the United States.

Approved, March 31, 1830.

AN ACT to change the port of entry from New Iberia to Franklin, in the State of Louisiana.

Be it enacted, &c. That, hereafter, the port of entry in the district of Teche, in the State of Louisiana, shall be at Franklin, instead of New Iberia, in said district; and the Collector thereof shall hereafter reside at said Franklin.

Approved, March 31, 1830.

AN ACT changing the residence of the Collector in the district of Burlington, in the State of New Jersey.

Be it enacted, &c. That, hereafter, the Collector of the district of Burlington, in the State of New Jersey, shall reside at Lamberton, instead of Burlington, in said district.

Approved: March 31st, 1830.

AN ACT to change the time and place of holding the Court for the county of Crawford, in the Territory of Michigan.

Be it enacted, &c. That the term of the Court appointed to be held, annually, on the second Monday in May, at the village of Prairie du Chien, by the additional Judge of the United States for the Territory of Michigan, shall be held on the first Monday in October, annually, at Mineral Point, in the county of Iowa, in the said Territory; and the cases which shall be pending in the said Court on the second Monday in May next, shall be tried and determined at the time and place above designated, in the county of Iowa; and the Clerk and Sheriff of said county shall be the Clerk and Sheriff of this Court; and its jurisdiction shall be and continue the same as if said county of Crawford had not been divided.

Approved: April 2, 1830.

AN ACT for the relief of Richard Taylor, of Kentucky.

Be it enacted, &c. That nothing in the provisions of the act, entitled "An act to prevent defalcations on the part of disbursing agents of the Government, and for other purposes," approved the twenty-fifth of January, one thousand eight hundred and twenty-eight, shall be so construed as to prevent the payment of the pension now due, or which may hereafter become due, and payable to Richard Taylor, of Kentucky, an invalid pensioner; but the same shall be paid to him as though the act had never passed.

Approved: March 31, 1830.

AN ACT for the relief of the legal representatives of Erastus Granger.

Be it enacted, &c. That the Postmaster General is hereby authorized and directed to discharge and release, to the legal representatives of Erastus Granger, late of Buffalo, in the State of New York, a judgment rendered against the said Erastus Granger, in the District Court of the Northern District of New York, in favor of the Postmaster General of the United States, for the sum of one thousand one hundred and fifty-three dollars and fifty-two cents and costs, at the August term of said Court, in the year one thousand eight hundred and twenty-six.

Approved: April 2, 1830.

AN ACT to increase the pension of Charles Larrabee.

Be it enacted, &c. That Charles Larrabee, an invalid pensioner, be, and he is hereby entitled to receive twenty-five dollars per month, in lieu of the pension to which he is now entitled.

Approved: April 2, 1830.

AN ACT for the relief of Captain Daniel McDuff.

Be it enacted, &c. That the provisions of the act, en-

titled "An act for the relief of certain surviving officers and soldiers of the Army of the Revolution," approved the 15th May, one thousand eight hundred and twenty-eight, be, and the same are hereby, extended to the said Daniel McDuff, as a Captain in the Continental Line, in the same manner, and to the like effect, as if he had been placed on the pension list, as Captain under said act.

Sec. 2. And be it further enacted, That the said Daniel McDuff shall be entitled to demand and receive a warrant for the like quantity of land, for which warrants have been issued to other Captains of the Continental Line, in the war of the Revolution.

Approved, April 2, 1830.

AN ACT for the relief of the legal representatives of Francis Tennille, deceased.

Be it enacted, &c. That the sum of fourteen hundred and twenty-eight dollars and fifty-seven cents be, and the same is hereby, appropriated to the legal representatives of Francis Tennille, late of the County of Washington, and State of Georgia, payable out of any money in the Treasury, not otherwise appropriated, being an indemnification for the claim of said Francis, for one four hundred and twentieth part of the Tennessee Company's pretended purchase of land from the State of Georgia: *Provided,* That the said legal representatives shall previously take the oath required by the third section of the act, passed on the thirty-first day of March, one thousand eight hundred and fourteen, providing for the indemnification of claimants of lands in the Mississippi Territory, which affidavit, and the transfer of the interest and claim of the representatives and heirs of Francis Tennille, to the United States, shall be filed in the Department of State, with the transfers, conveyances, and records, returned to that Department by the Commissioners appointed under the act supplementary to the act aforesaid, passed on the twenty-third day of January, one thousand eight hundred and fifteen.

Approved, April 2, 1830.

AN ACT for the relief of Marigny D'Auterive.

Be it enacted, &c. That the Secretary of the Treasury pay to Marigny D'Auterive, out of any money in the Treasury, not otherwise appropriated, the sum of eight hundred and fifty-five dollars, for ninety-five cords of wood, taken by the troops, during the late war, under the command of General Carroll, near New Orleans, and for the use of a cart, horse, and driver, from the seventeenth of December, one thousand eight hundred and fourteen, to the twenty-fourth of January, one thousand eight hundred and fifteen.

Approved, April 2, 1830.

AN ACT for the relief of the Mayor and City Council of Baltimore.

Be it enacted, &c. That the Secretary of the Treasury cause to be paid unto the Mayor and City Council of Baltimore, or to their authorized agent, the sum of seven thousand four hundred and thirty-four dollars and fifty-three cents, in full for their claim against the United States, for money borrowed and expended by them, in defence of said city, during the late war.

Sec. 2. And be it further enacted, That said Secretary cause to be paid, as aforesaid, interest on the sum mentioned in the preceding section, according to the provisions and regulations of "the act to authorize the payment of interest due to the city of Baltimore," passed May the twentieth, one thousand eight hundred and twenty-six, and that said sum be paid out of any money in the Treasury, not otherwise appropriated.

Approved, April 2, 1830.

AN ACT amendng and supplementary to the act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State, to aid in the construction of the Canals authorized by law, and for making donations of land to certain persons in Arkansas Territory.

Be it enacted, &c. That so much of the act approved May twenty-fourth, one thousand eight hundred and twenty-eight, entitled "An act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State, to aid in the construction of the Canals authorized by law, and for making donations of land to certain persons in Arkansas Territory," as provides that the extension of the Miami Canal shall be completed within twenty years, or that the State shall be bound to pay the United States the amount of any land previously sold, be, and the same is hereby repealed: *Provided*, That if the State of Ohio shall apply the said lands, or the proceeds of the sales, or any part thereof, to any other use whatever, than in the extension of the Miami Canal, before the same shall have been completed, the said grant, for all lands unsold, shall thereby become null and void, and the said State of Ohio shall become liable and bound to pay to the U. States, the amount for which said land, or any part thereof, may have been sold, deducting the expenses incurred in selling the same: *And provided also*, That it shall be lawful for the Legislature of said State to appropriate the proceeds of the land so granted, either in extending the said Miami Canal from Dayton to Lake Erie, or in the construction of a rail-road from the termination of the said Canal, at Dayton, towards the said Lake.

Sec. 2. And be it further enacted, That whenever the line of the said Canal to be extended as aforesaid from Dayton to the Maumee River, at the mouth of Auglaize, shall pass over land sold by the United States, it shall be lawful for the Governor of the State of Ohio to locate other lands in lieu of the lands so sold: *Provided*, such locations shall not exceed the number of acres necessary to complete an aggregate quantity, equal to one-half of five sections in width, on each side of said extended Canal.

Approved, April 2, 1830.

AN ACT making appropriations to pay the expenses incurred in holding certain Indian Treaties.

Be it enacted, &c. That the following sums be appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for the objects herein specified, viz:

For payment of the expenses incurred by the Commissioners, in preparing for and holding treaties with the Winnebago Indians, and, also, with the Chippewas, Ottawas, and Potawatamies, and the council held with the Sacs and Foxes, at Prairie du Chien, in July and August, one thousand eight hundred and twenty-nine, eight thousand nine hundred and ninety-four dollars and fourteen cents.

For reimbursing the "contingencies of the Indian Department," this amount paid from said contingencies to General M'Neil and Mr. Atwater, on account of their compensation, two thousand three hundred and ninety-four dollars and sixty cents.

For payment of compensation yet due to one of the Commissioners, seven hundred and fifty-three dollars and forty-three cents.

For payment of the compensation and all other services of the Secretary of the Commission, four hundred and thirty dollars.

For payment of a draft drawn by the Commissioners on the Secretary of War, on account of presents to the Sacs and Foxes, eight hundred and fifty dollars.

For paying Dr. Alexander Walcott, Gen. H. Dodge,

John H. Kenzie, and Henry Gratiot, for services rendered by them in negotiating the said treaties, six hundred dollars.

Approved: April 7, 1830.

AN ACT for the relief of the legal representatives of Jean Baptiste Couture.

Be it enacted, &c. That the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of Jean Baptiste Couture, the sum of two thousand dollars, the value of a dwelling house, store, and lumber house, stable, bake, and wash house, situate at Frenchtown, on the river Raisin, which were in the military occupation of the United States, by the command of an officer in the service, and while so occupied, and in consequence thereof, were destroyed by the British and Indians, on the twenty-third of January, one thousand eight hundred and thirteen.

Approved: April 7, 1830.

AN ACT for the relief of J. W. Hollister and Company, and George Anderson.

Be it enacted, &c. That the Collector of the port of Portland, in the State of Ohio, District of Sandusky, be, and he is hereby, authorized to refund to J. W. Hollister and Company, and George Anderson, of Sandusky, the sum of four hundred and fifty-eight dollars and thirty cents, being the amount of duties paid by them on certain goods imported by them in the schooner Governor Cass, B. W. Miller, master, in the month of May, one thousand eight hundred and twenty-seven.

Approved: April 7, 1830.

AN ACT for the relief of Captain John Burnham.

Be it enacted, &c. That the sum of one thousand six hundred and three dollars and seventy-five cents be paid out of any money in the Treasury not otherwise appropriated, to Captain John Burnham, being the balance of the sum paid by him to the Government of Algiers, to effect his ransom.

Approved: April 7, 1830.

AN ACT for the relief of John Rodriguez.

Be it enacted, &c. That there be paid to John Rodriguez, or to his legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of eight hundred and eighty-three dollars, for damages done to his plantation by digging or using earth for works of defence during the late war, and for materials and labor to repair said plantation.

Approved: April 7, 1830.

AN ACT for the relief of Thomas Shiverick.

Be it enacted, &c. That the Secretary of the Treasury is hereby authorized to pay to Thomas Shiverick, of Dennis, in Massachusetts, out of any money in the Treasury, not otherwise appropriated, the sum of fifty dollars, being the amount of a penalty incurred and paid by him for not renewing, before the expiration of a legal term, the coasting license of the schooner Adeline.

Approved: April 7, 1830.

AN ACT for the relief of Hubert La Croix.

Be it enacted, &c. That the sum of eleven hundred and fifty dollars be paid, out of the Treasury, out of any moneys not otherwise appropriated, to Hubert La Croix, of the Territory of Michigan, in full satisfaction for the destruction of a dwelling house, the property of said La Croix, by the British and Indians, at Frenchtown, on the river Raisin, the twenty third of January, eighteen hundred and thirteen; and, at the time of its destruction, in the military occupation of the United States.

Approved: April 7, 1830.

AN ACT for the relief of Andrew Wilson.

Be it enacted, &c. That the Collector of the Customs, for the district of Newburyport, in Massachusetts, is hereby authorized to pay to Andrew Wilson, late owner of a fishing schooner, lost at sea, called the Betsy, of sixty-five tons and sixteen ninety-fifths of a ton burthen, and to the persons composing her late crew, such allowance, to be disbursed according to law, as they would have been entitled to receive, had the said schooner completed her fishing term and returned into port.

Approved: April 7, 1830.

AN ACT authorizing the appointment of an additional Brigadier General for the Territory of Arkansas.

Be it enacted, &c. That the President of the United States, by and with the advice and consent of the Senate be, and he is hereby, authorized to appoint a Brigadier General for the Second Brigade of the Arkansas Militia.

Approved: April 15th, 1830.

AN ACT authorizing the Secretary of the Treasury to refund a sum of money, now in the Treasury, to Charles Henry Hall.

Be it enacted, &c. That the Secretary of the Treasury is hereby authorised to refund Charles Henry Hall the sum of two thousand one hundred and seventy-three dollars, being the nett proceeds, after paying the duties, of four hundred and twenty-two casks of wine, imported into New Orleans in the brig Sarah, by Hazard and Williams, and improperly condemned for an alleged breach of the revenue laws: *Provided*, The said Hall shall produce satisfactory evidence to show that the said wines in fact belonged to him, and that he is the person entitled to receive such part of the proceeds as now remain in the Treasury.

Approved: April 15, 1830.

AN ACT for the relief of the Mercantile Insurance Company, in Salem, Massachusetts.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized and required to repay to the President and Directors of the Mercantile Insurance Company, in Salem, Massachusetts, out of any money in the Treasury, not otherwise appropriated, the sum of two hundred and thirty dollars and ninety-two cents, being the amount paid to the Collector of the Customs for the District of Belfast, in the State of Maine, for duties on sails, rigging, and other materials, saved from the American Brig Lydia, which was wrecked at Martinique, in the year one thousand eight hundred and twenty-seven, and which materials were subsequently brought back, and landed in said District. *Provided*, it shall be satisfactorily shewn to the Secretary of the Treasury, that the articles upon which said duty has been paid, were a part of the materials of said brig Lydia.

Approved: April 15, 1830.

AN ACT for the relief of Peter and John S. Crary and Company, of New York, and of Allen Reynolds.

Be it enacted, &c. That the Secretary of the Treasury is hereby authorized to extend the provision of an act, entitled "An act, authorizing the Secretary of the Treasury to direct the completion of entries for the benefit of drawback after the period of twenty days," to the entries made by Manuel Velez, of Colombia, in the months of September and October, one thousand eight hundred and twenty-eight, of five bales of merchandize, exported on board the brig Athenian, Sullivan master, for Carthage-na, and to direct the Collector of the port of New York, to permit Peter Crary, John S. Crary, Henry Todd, and Oliver E. Cobb, trading under the firm of Peter and John S. Crary and Company, to complete the said entries, as the lawful Attorneys of the said Manuel Velez.

Sec. 2. And be it further enacted, That, in like manner, the Collector of the port of New Orleans, be directed to permit the firm of Currell Kilshaw and Company, as the lawful Attorneys of Allen Reynolds, of Matamores, to complete the entries made by the said Allen Reynolds, in the month of June, one thousand eight hundred and twenty-nine, for the benefit of drawback, on two cases of calicoes exported on board the sloop Washington, Sawyer, master, for Rio Grande, and that in like manner, the benefit of Drawback shall be extended to the said entries.

Approved: April 15, 1830.

AN ACT making additional appropriations for the improvement of certain harbors, and for removing obstructions at the mouths of certain rivers, for the year one thousand eight hundred and thirty.

Be it enacted, &c. That the following sums of money be, and the same are hereby appropriated for carrying on and completing certain works heretofore commenced, to be paid out of any money in the Treasury, not otherwise appropriated, viz:

For removing obstructions at the mouth of Huron river, Ohio, one thousand eight hundred and eighty dollars, and thirty-six cents.

For completing the removal of obstructions at the mouth of Grand river, Ohio, five thousand five hundred and sixty-three dollars and eighteen cents.

For completing the improvements of Cleaveland harbor, Ohio, one thousand seven hundred and eighty-six dollars and fifty-six cents.

For removing sand bar at or near the mouth of Black river, Ohio, eight thousand five hundred and fifty-nine dollars and seventy-seven cents.

For improving the navigation of Conneaut Creek, Ohio, six thousand one hundred and thirty-five dollars and sixty-five cents.

For completing piers at the mouth of Dunkirk harbor, New York, one thousand three hundred and forty-two dollars and seventy-five cents.

For completing piers at Buffalo harbor, New York, fifteen thousand four hundred and eighty-eight dollars.

For extending the pier at Black Rock, three thousand one hundred and ninety-eight dollars.

For improving the navigation of Genesee river, New York, thirteen thousand three hundred and thirty-five dollars.

For removing obstructions at the mouth of Big Sodus Bay, New York, fifteen thousand two hundred and eighty dollars.

For completing the removal of the sand bar at or near the mouth of Merrimack river, Massachusetts, three thousand five hundred and six dollars and seventy-two cents.

For the preservation of Plymouth Beach, Massachusetts, one thousand eight hundred and fifty dollars.

For erecting piers or other works at or near Stonington harbor, Connecticut, sixteen thousand four hundred and ninety-one dollars and sixty-seven cents.

For deepening an inland passage between St. John's and St. Mary's rivers, fifteen hundred dollars.

For improving the navigation of the Mississippi and Ohio rivers, fifty thousand dollars.

For removing obstructions to the navigation of the Kennebec river, at Lovejoy's Narrows, Maine, five thousand dollars.

For improving the harbors of New Castle, Marcus Hook, Chester, and Port Penn, in the Delaware river, ten thousand dollars.

For improving the Cape Fear river, below Wilmington, North Carolina, twenty-five thousand six hundred and eighty-eight dollars.

For completing the removal of obstructions in the Apalachicola river, in Florida, two thousand dollars.

For completing the removal of obstructions in the river and harbor of St. Marks, in Florida, ten thousand dollars.

For completing the Breakwater at Hyannis harbor, in Massachusetts, six thousand five hundred and seventeen dollars and eighty-two cents.

For carrying on the works of the Delaware Breakwater, for the year one thousand eight hundred and thirty, one hundred thousand dollars; and for carrying on the same works during the first quarter of one thousand eight hundred and thirty-one, sixty-two thousand dollars.

Approved: April 23, 1830.

AN ACT to amend an act, entitled "An Act to extend the time for locating Virginia Military Land Warrants, and returning surveys thereon to the General Land Office," approved the twentieth day of May, one thousand eight hundred and twenty six.

Be it enacted, &c. That the officers and soldiers of the Virginia Line, on the Continental Establishment, their heirs or assignees, entitled to bounty land within the tract of country reserved by the State of Virginia, between the Little Miami and Sciota rivers, shall be allowed until the first day of January, one thousand eight hundred and thirty-two, to obtain warrants, subject, however, to the conditions, restrictions, and limitations, relating to locations, surveys, and patents contained in the act of which this is an amendment.

Sec. 2. *And be it further enacted,* That no location shall be made by virtue of any warrant obtained after the said first day of January, one thousand eight hundred and thirty-two; and no patent shall issue in consequence of any warrant obtained after that time. And that the second proviso, inserted in the first section of the above recited act, except only that part thereof which requires "a certificate from the Register of the Land Office of Virginia, that no warrant has issued from the said Land Office for the same services," be, and the same is hereby repealed.

Approved; April 23, 1830.

AN ACT to regulate and fix the compensation of Clerks in the Department of State.

Be it enacted, &c. That the Secretary of State be, and he is hereby, authorized to employ one Chief Clerk, whose compensation shall not exceed two thousand dollars per annum; one Clerk, whose compensation shall not exceed one thousand six hundred dollars per annum; one Clerk whose compensation shall not exceed one thousand five hundred dollars per annum; six Clerks, whose compensation shall not exceed one thousand four hundred dollars each per annum; one Clerk, whose salary shall not exceed one thousand one hundred and fifty dollars per annum; one Clerk, whose salary shall not exceed one thousand dollars, to be charged with the duty of translating foreign languages, in addition to other duties; one Clerk, whose salary shall not exceed one thousand dollars per annum; one Clerk, whose salary shall not exceed nine hundred dollars per annum; one Clerk, whose compensation shall not exceed eight hundred dollars per annum; one Superintendent in the Patent Office, whose salary shall not exceed one thousand five hundred dollars per annum; two Clerks in the Patent Office, whose compensation shall not exceed one thousand dollars each, per annum; one Clerk, whose compensation shall not exceed eight hundred dollars per annum.

Sec. 2. *And be it further enacted,* That all acts, and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Approved: April 23, 1830.

AN ACT for the relief of Gabriel Godfroy and John Baptiste Beaugrand.

Be it enacted, &c. That the President of the U. States

be, and he is hereby, authorized to issue a patent to Gabriel Godfroy and John Baptiste Beaugrand, for a tract of two hundred and twenty-five acres, surveyed for them under an act, entitled "An act regulating the grants of land in the Territory of Michigan," and designated on the plat of survey of the United States reserve, of twelve miles square, on the Maumee of the Lake, as number five hundred and ninety-five, on their paying to the Receiver of Public Moneys in the Land Office at Detroit, the balance of the purchase money due thereon, without interest, and with the usual discount, at any time within one year after the passage of this act: *Provided,* The said tract of land shall not have been sold to any other person.

Approved: April 23, 1830.

AN ACT for the relief of Arund Rutgers, of Missouri.

Be it enacted, &c. That Arund Rutgers be, and is hereby, authorized to locate five hundred arpents of land, upon any of the public lands in the State of Missouri, that are subject to private entry, upon relinquishing to John Welden, his heirs or assigns, before the Recorder of land titles at St. Louis, all his right and claim to the like quantity of land, confirmed to the said John Welden, within the boundaries of his original grant; and the Commissioner of the General Land Office, upon a duly certified copy of such relinquishment being presented to him, together with a plat and survey of said land, duly and regularly made, shall issue a patent therefor.

Approved: April 23, 1830.

AN ACT for the relief of Luther Chapin.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized to pay to Luther Chapin the sum of two thousand dollars, out of any money in the Treasury, not otherwise appropriated, for his vessel, called the Cuyahoga Packet, captured by the enemy, on Lake Erie, during the late war, while in the military service of the United States.

Approved: April 23, 1830.

AN ACT to authorize the Commissioners of the Sinking Fund to redeem the public debt of the United States.

Be it enacted, &c. That whenever, in the opinion of the Secretary of the Treasury, the state of the Treasury will admit of the application of a greater sum than ten millions of dollars in any one year, to the payment of interest and charges, and to the reimbursement or purchase of the principal of the public debt, it shall be lawful for him, with the approbation of the President of the United States, to cause such surplus to be placed at the disposal of the Commissioners of the Sinking Fund, and the same shall be applied by them to the reimbursement or purchase of the principal of the public debt, at such times as the state of the Treasury will best admit.

Sec. 2. *And be it further enacted,* That whenever, in any year, there shall be a surplus in the Sinking Fund beyond the amount of interest and principal of the debt which may be actually due and payable by the United States, in such year, in conformity with their engagements, it shall be lawful for the Commissioners of the Sinking Fund to apply such surplus to the purchase of any portion of the public debt, at such rates as, in their opinion, may be advantageous to the United States; any thing in any act of Congress to the contrary notwithstanding.

Sec. 3. *And be it further enacted,* That the fourth and fifth sections of the act, entitled "An act to provide for the redemption of the public debt," approved on the third of March, one thousand eight hundred and seventeen, are hereby repealed.

Sec. 4. *And be it further enacted,* That the sum of two hundred thousand dollars, being the balance of the sums heretofore appropriated for the expenses of taking the

next Census, and which will not be required for that purpose, be, and the same is hereby directed to be passed to the surplus fund upon the last day of the year one thousand eight hundred and thirty, any law to the contrary notwithstanding.

Approved : April 24, 1830.

AN ACT to extend the time for commencing the improvement of the navigation of the Tennessee river.

Be it enacted, &c. That the time for commencing the improvement of the navigation of the Tennessee river, under an act of Congress "to grant certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Cahawba, and Black Warrior rivers," approved the twenty-third day of May, one thousand eight hundred and twenty-eight, be, and the same is hereby, extended to the first day of December next.

Approved : April 24, 1830.

AN ACT for the relief of the widows and orphans of the Officers, Seamen, and Marines, of the sloop of war Hornet.

Be it enacted, &c. That the widows, if any such there be, and in case there be no widow, the child or children ; and, if there be no child, then the parent or parents ; and if there be no parent, then the brothers and sisters of the officers, seamen, and marines, who were in the service of the United States, and lost in the United States' sloop of war Hornet, shall be entitled to, and receive, out of any money in the Treasury, not otherwise appropriated, a sum equal to six months pay of their respective deceased relatives, aforesaid, in addition to the pay due to the said deceased, on the tenth day of September last, up to which day the arrears of pay due the deceased, shall be allowed and paid by the accounting officers of the Navy Department.

Approved : April 24, 1830.

AN ACT for the relief of the President, Directors, and Company of the Bank of Chillicothe.

Be it enacted, &c. That the Secretary of the Treasury pay, out of any money in the Treasury, not otherwise appropriated, to the President, Directors, and Company, of the Bank of Chillicothe, the sum of two thousand three hundred and sixty-two dollars eighty-five cents, the interest on certain bills, drawn on the Paymaster General, conformable to a contract, and on the Secretary of War, which were duly accepted, and protested for non-payment ; and for advances made on the requisition of the Commanding General of the eighth military district, for money to pay the troops under his command, on their march to the frontier.

Approved : April 24, 1830.

AN ACT for the benefit of Daniel McDuff.

Be it enacted, &c. That Daniel McDuff be, and he is hereby authorized to locate his warrant for military bounty land, in the county of Jackson, and State of Alabama, so as to include his improvement in Ashburn's cove, by legal subdivisions, in adjoining tracts, not to exceed in the whole three hundred and twenty acres, or half a section.

Sec. 2. *And be it further enacted,* That it shall be lawful for the said Daniel McDuff, upon surrendering to the Register of the Land Office, at Huntsville, his said warrant for military bounty land, paying one dollar and twenty five cents an acre, for the excess over and above three hundred acres of land, expressed in said warrant, and making proof before said Register of the quarter section in which said improvement lies, to enter one half section of land as aforesaid ; and thereupon it shall be the duty of said Register to issue to said Daniel McDuff a final certificate of purchase ; and to forward the same, together

with said warrant to the Commissioner of the General Land Office, whose duty it shall be to issue a patent or patents for land so entered.

Approved : April 24, 1830.

AN ACT to refund the moiety of the forfeiture upon the schooner Volant,

Be it enacted, &c. That there shall be paid to John Burton, Dunbar Henderson, E. Hale, Charles Holmenhouser, Benjamin Burton, and Thomas Burton, the amount paid by them into the Treasury of the United States, as a moiety of the forfeiture decreed against the schooner Volant : and that the same be paid out of any money in the Treasury, not otherwise appropriated.

Approved : April 24, 1830.

AN ACT for the re-appropriation of certain unexpended balances of former appropriations.

Be it enacted, &c. That the following sums, being unexpended balances of former appropriations for sundry objects of the service of the War Department, and in relation to Indian Affairs, which remained in the Treasury on the last day of the year one thousand eight hundred and twenty-nine, and are now subject to the provisions of the law directing such balances to be carried to the account of the surplus fund, be, and the same are hereby re-appropriated to the several objects, respectively, of their original appropriation.

For the materials for a fort on the right bank of the Mississippi, one hundred and ninety-two dollars.

For the Georgia militia claims for one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, and one thousand seven hundred and ninety-four, appropriated by act of March 2d, one thousand eight hundred and twenty-seven, forty-one thousand and five dollars and forty-four cents.

For the expenses of the militia of Georgia and Florida, for the suppression of Indian aggressions on their frontiers, by act of March second, one thousand eight hundred and twenty-seven, five thousand dollars.

For the remaining purchase money of a house and lot at Eastport, in Maine, five dollars and thirty-two cents.

For the removing obstructions in the Saugatuck river, twenty-eight dollars.

For the building of piers at the entrance of La Plaisance bay, eighty-nine dollars and eleven cents.

For the road from Fort Towson to Fort Smith, three hundred and ninety dollars and eighty-five cents.

For the road from Pensacola to St. Augustine, five thousand three hundred and sixty-nine dollars and seventy-two cents.

For the road, called the King's road in Florida, two thousand dollars.

For carrying into effect a treaty with the Choctaw Indians, dated eleventh of October, one thousand eight hundred and twenty, the balance of the sum appropriated by the act of March third, one thousand eight hundred and twenty-one, re-appropriated by the act of May twenty-six, one thousand eight hundred and twenty-four, and again by an act of March the second, one thousand eight hundred and twenty-seven, being twenty-one thousand seven hundred and thirty-seven dollars.

For carrying into effect the treaty with the Cherokee Indians, and extinguishing their claim to lands within the State of North Carolina, two thousand four hundred and fifty-nine dollars nineteen cents.

For defraying the expenses of treating with the Choctaw and Chickasaw Indians, for extinguishing their title to lands within the limits of the State of Mississippi, one thousand two hundred and fifty-three dollars seventy-nine cents.

For purchasing certain tracts of land within the State of Georgia, reserved by treaties, in fee to the Creeks, and

to the Cherokee Indians, the balance of the appropriation of fifty thousand dollars, made for those objects by an act of March the third, one thousand eight hundred and twenty-three, being nine thousand one hundred and eighty-three dollars.

For gratuitous pay for disbanded officers and soldiers, including travelling allowances for the same, five hundred and forty dollars and ten cents, being the unexpended balance of appropriations for those objects carried to the surplus fund on the last day of the year one thousand eight hundred and twenty-six.

For the purpose hereinafter stated, to wit: the sum of eight thousand dollars, appropriated for the erection of a Custom and Warehouse at Mobile, by act of May twenty-fourth, one thousand eight hundred and twenty-eight, be, and the same is hereby re-appropriated, and an additional appropriation of eight thousand dollars to complete the same on an enlarged plan, be, and the same is hereby made, to be paid out of any unappropriated money in the Treasury.

Approved, April 30, 1830.

A RESOLUTION authorizing the transmission of papers, by mail, relating to the fifth census.

Resolved, &c. That so much of the thirteenth section of the act of the third of March, 'one thousand eight hundred and twenty-five, as restricts the weight of packages by mail, shall not apply to the transmission of papers relating to the fifth census, or enumeration of the inhabitants of the United States.

Approved, April 30, 1830.

An ACT for the relief of Charles Wilkes, Jun.

Be it enacted, &c. That the proper accounting officer of the Treasury allow to Charles Wilkes, Junior, a Lieutenant in the Naval Service of the United States, and to any other person or persons with whom he may have contracted for the same, all such sums of money as he shall have paid, or, in the case of such other person or persons, he shall have contracted to pay them, for such astronomical and mathematical instruments, as, by the letter of the Secretary of the Navy to him, dated the eighteenth day of November, 'one thousand eight hundred and twenty-eight, he was directed to procure for the exploring expedition to the Pacific Ocean and South Seas, on said accounting officer being furnished with satisfactory evidence that the respective articles are of the value and quality specified in the contract therefor, and have been delivered to such person or persons as the Secretary of the Navy shall have directed: *Provided,* The amount to be allowed and paid for the said instruments, exclusive of the sums already paid by the Navy Department and Navy Agent at New York, shall not exceed the sum of three thousand three hundred dollars; which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved: May 5, 1830.

AN ACT to authorize the Registers of the several Land Offices in Louisiana, to receive entries of lands in certain cases, and give to the purchasers thereof certificates for the same.

Be it enacted, &c. That, in all cases where persons have purchased lands of the United States within the State of Louisiana, and have paid in full therefor, and who have failed or omitted to enter the same, the Register of the Land Office of the district in which the land was purchased shall, on presentation of the original receipt of the Receiver of said district by the original purchaser or purchasers of land, his, her, or their heirs, cause an entry thereof to be made, and give to him, her, or them, a certificate for the same, specifying the time when the land was purchased, upon which a patent shall be issued as in

other cases: *Provided, however,* That if, in the intermediate time between the purchase and presentation of the said receipt, any of the said lands shall have been paid for and entered by any other persons, ignorant of the former purchase, the said Register shall not enter the same lands, but may permit the party to enter other lands in lieu thereof, of equal quality, within the same district, which may be subject to entry, and shall give him, her, or them, a certificate therefor, upon which a patent shall issue as in other cases.

Approved: May 5, 1830.

AN ACT to authorize the appointment of a Marshal for the Northern District of the State of Alabama.

Be it enacted, &c. That a Marshal shall be appointed for the Northern District of the State of Alabama, whose duties shall be the same, in every respect, within said District, as those required by law to be performed by the present Marshal.

Sec. 2. *And be it further enacted,* That when a Marshal shall be appointed for said Northern District, he shall be entitled to a salary of two hundred dollars per annum, besides the fees of office fixed by law, and the salary of the present Marshal be two hundred dollars per annum, instead of the sum heretofore allowed. The sum allowed, by law, to the Marshal of Alabama, for taking the fifth census, shall be divided between the Marshals of South and North Alabama, according to the number of souls enumerated in each district; and so soon as the Marshal for the Northern District shall be appointed under this act, the duties of the present Marshal shall cease and determine in said district.

Approved: May 5, 1830.

AN ACT to amend an act, entitled "An act for the benefit of the incorporated Kentucky Asylum for teaching the Deaf and Dumb," and to extend the time for selling the land granted by said act.

Be it enacted, &c. That the further time of five years, from and after the fifth of April, one thousand eight hundred and thirty-one, be, and the same is hereby, allowed the Trustees of the Centre College of Kentucky, who are also Trustees of the Kentucky Asylum for teaching the Deaf and Dumb, to sell the land granted to said Trustees for the use and benefit of said Asylum, by an act, entitled "An act, for the benefit of the incorporated Kentucky Asylum for teaching the Deaf and Dumb," passed on the fifth of April, one thousand eight hundred and twenty six; and all sales under the provisions of this act, by the Trustees aforesaid, or their successors in office, for the use of said Asylum, shall be good and valid to pass the title, any thing in any former law to the contrary notwithstanding.

Approved: May 5, 1830.

AN ACT to change the time of holding the Court of the United States for the District of Mississippi, and the Circuit Court of the United States in the District of Ohio.

Be it enacted, &c. That, instead of the times now prescribed by law for holding the Court of the United States for the District of Mississippi, the said Court shall commence its sessions on the fourth Monday in January, and the fourth Monday in June, in each and every year.

Sec. 2. *And be it further enacted,* That all process which may have issued from said Court, at the passage of this act, and which may issue previous to the fourth Monday of June next, shall, by virtue of this act, be returnable before the said Court on that day; and all causes pending in the said Court, and which may have been continued by order thereof, to the term heretofore directed to be held on the first Monday in October next, shall, by virtue of this act, stand continued to, and be

triable at, the term hereby directed to be held on the fourth Monday in June next.

Sec. 3. *And be it further enacted*, That the Circuit Court of the United States, within and for the District of Ohio, instead of the time now fixed by law, shall hereafter be held on the second Monday of July, and the third Monday of December, in each year; and the District Court of the United States, in and for said District, shall hereafter be held on the Mondays next succeeding the times herein fixed for holding the Circuit Court. And the Circuit Court for the District of West Tennessee, shall hereafter be held on the first Monday in September in each year, instead of the time now fixed by law. And all suits and matters of every kind returnable to, or proceeding in, either of said Courts, shall be held to be returnable, and continued, to the terms of said Courts herein provided for.

Approved: May 5, 1830.

AN ACT for further extending the powers of the Judges of the Superior Court of the Territory of Arkansas, under the act of the twenty-sixth day of May, one thousand eight hundred and twenty-four, and for other purposes.

Be it enacted, &c. That the act, approved on the twenty-sixth day of May, one thousand eight hundred and twenty-four, entitled "An act to enable claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims," shall be, and hereby is, continued in force, so far as the said act relates to the claims within the Territory of Arkansas, until the first day of July, one thousand eight hundred and thirty-one, for the purpose of enabling the Court in Arkansas, having cognizance of claims under the said act, to proceed by bills of review, filed, or to be filed, in the said Court, on the part of the United States, for the purpose of revising all or any of the decrees of the said Court, in cases wherein it shall appear to the said Court, or be alleged in such bills of review, that the jurisdiction of the same was assumed, in any case, on any forged warrant, concession, grant, order of survey, or other evidence of title; and, in every case wherein it shall appear to the said Court, on the prosecution of any such bill of review, that such warrant, concession, grant, order of survey, or other evidence of title, is a forgery, it shall be lawful, and the said Court is hereby authorized to proceed, by further order and decree, to reverse and annul any prior decree or adjudication upon such claim; and thereupon, such prior decree or adjudication shall be deemed, and held in all places whatever, to be null and void to all intents and purposes. And the said Court shall proceed on such bills of review, by such rules of practice and regulation as they may adopt, for the execution of the powers vested or confirmed in them by this act.

Sec. 2. *And be it further enacted*, That no entries of land in any of the land officers in Arkansas, under any of the provisions of the said act, shall be made, until the further direction of Congress.

Sec. 3. *And be it further enacted*, That no patent shall be issued for lands under any decree of the said Court, in any case in which the original warrant, concession, grant, or order of survey, has been withdrawn from the files of the said Court, unless the person or persons claiming such patent shall first produce and deposite, in the Office of the Commissioner of the General Land Office, the original warrant, concession, grant, or order of survey, on which such decree was founded, and on which the said Court took jurisdiction under the said act; and no patent shall be issued until the further order of Congress, in any case, under the said act, until it shall satisfactorily appear to the Commissioner of the General Land Office that the warrant, concession, grant, or order of

survey, on which any lands are claimed, under any decree of the said Court, was in fact, made or issued by or under the authority of the person or persons purporting to have made or issued the same, or unless the said warrant, concession, grant, or order of survey, shall have been determined by the said Court, on the hearing of a bill of review to be genuine.

Sec. 4. *And be it further enacted*, That no entry, survey, or patent, shall, at any time hereafter, be made or issued under the said act, except in the name of the original party to any such decree, and on proof to the satisfaction of the officers respectively, that the party applying is such original party, or is duly authorized by such original party, or his heirs, to make, receive, or require such entry, patent, or survey.

Sec. 5. *And be it further enacted*, That in all cases in which the said Court shall, by decree or adjudication, under this act, review and annul any prior decree or adjudication therein, any lands which may have been heretofore entered, under any such prior decree or adjudication, shall, thereafter, be subject to sale or entry as other public lands of the United States may be.

Sec. 6. *And be it further enacted*, That the President of the United States is hereby authorized to employ, on behalf of the United States, such counsel on their part, in the Territory of Arkansas, or elsewhere, to be associated for that purpose with the District Attorney of the same Territory, as he may deem the interests of the United States may require, in the prosecution of such bills of review before the said Court.

Sec. 7. *And be it further enacted*, That, in all cases, the party against whom the judgment or decree of the said Court may be finally given, shall be entitled to an appeal within one year from the time of its rendition, to the Supreme Court of the United States, which Court shall have power to review the decision of the Court below, both on the law and the facts; and the Court in Arkansas be, and the same is hereby, required to spread upon the record the whole testimony, together with the reasons for their decision in each case, and to transmit to the Supreme Court of the United States the same, together with the original warrant, concession, grant, order of survey, or other evidence of title.

Sec. 8. *And be it further enacted*, That each of the Judges of the Superior Court of the Territory of Arkansas, shall, while in the discharge of their duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to their salary as Judges of the Superior Court for the Territory of Arkansas, which shall be in full for their services, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, May 8, 1830.

AN ACT supplementary to the act, entitled "An act to authorize the citizens of the Territories of Arkansas and Florida to elect their officers, and for other purposes.

Be it enacted, &c. That in case any vacancy has occurred, or shall occur in any office to which any person has been, or shall be elected by the citizens of Arkansas, under the provisions of the act to which this is a supplement, either by a refusal to accept the same, or by death, resignation, or otherwise, the Governor of the said Territory is hereby authorized and required to supply such vacancy, until the next general election: And in case any vacancy shall occur, in the offices of Justice of the Peace, Auditor, or Treasury for the said Territory, either by a refusal to accept the same, or by death, resignation, or otherwise, the Governor thereof is hereby authorized and required to supply such vacancy until the next meeting of the Legislature.

Approved, May 8, 1830.

AN ACT to authorize the re-conveyance of a Lot of Land to the Mayor and Corporation of the City of New York.

Whereas, the Mayor and Corporation of the City of New York, on the sixth of May, one thousand eight hundred and eight, did convey to the United States, a lot of land at the foot of Hubert-street, in the City of New York, called the North Battery, "so long as the same should be used and applied to the defence and safety of the port of New York, and no longer."

Be it, therefore, enacted, &c. That, whenever the President of the United States shall determine that the said lot is no longer useful for the purpose aforesaid, he be, and he hereby is authorized, to cause the same to be reconveyed to the Mayor and Corporation of New York, the works thereon to be dismantled, and the materials thereof to be disposed of, in such manner as, in his judgment, the public interest may require.

Approved, May 10, 1830.

AN ACT for the relief of the legal representatives of Richard Eppes.

Be it enacted, &c. That the Secretary of the Treasury pay to the legal representatives of Richard Eppes, out of any money in the Treasury, not otherwise appropriated, the sum of two hundred and ninety-four dollars and twenty-five cents, for that amount paid by him into the Treasury, on account of clothing, which was delivered to the fourth regiment of Virginia militia, by the Quartermaster General of the State of Virginia, and improperly debited in the account of said Eppes.

Approved, May 10, 1830.

AN ACT for the relief of James Abbott.

Be it enacted, &c. That the Secretary of the Treasury pay to James Abbott, out of any money in the Treasury not otherwise appropriated, the sum of seventy dollars, for his fences, necessarily taken by the soldiers of the United States stationed at Detroit, and burnt for fuel, in the winter of eighteen hundred and thirteen.

Approved, May 10, 1830.

AN ACT to alter the Bridge and Draw across the Potomac, from Washington City to Alexandria.

Be it enacted, &c. That the Corporation of Georgetown, in the District of Columbia, be, and they are hereby authorized, within six months from the passing of this act, to form a draw in the bridge leading from Washington City to Alexandria, across the Potomac river, not less than sixty-six feet in length, nor less than twelve feet wide; and for defraying the expense of making said draw, the sum of six thousand dollars be, and the same is hereby appropriated, out of any unappropriated money in the Treasury.

Sec. 2. Be it further enacted, That the Washington Bridge Company shall hereafter be required to keep eight reflecting lamps, to be lighted during the night, of which four shall be at the principal draw, two at the smaller draw, and one at each end of the bridge; and in repairing said bridge, the Company may, and are hereby permitted to reduce the width of the bridge to twenty-four feet, leaving four feet on one side of said bridge for foot passengers, which shall, by a strong and sufficient railing, be separated from the carriage way.

Sec. 3. Be it further enacted, That, in making said draw, the opposite side of the warps, above and below the bridge, shall be curved off in a circular form; and the side of the spaces covered by said draw, shall be sufficiently and strongly planked up on each side; and said Bridge Company shall remove from the passage through it, all obstructions to safe navigation.

Sec. 4. And be it further enacted, That so soon as the Secretary of War shall be fully satisfied that the work

contemplated by this act to be done, under the superintendence and authority of the Corporation of Georgetown, is properly and sufficiently well done, and is entirely safe for the passing of wagons, then, and not before, shall the appropriation herein be paid, or so much of the same as shall be sufficient to meet the expenses of making said draw.

Sec. 5. And be it further enacted, That said Corporation of Georgetown shall not interrupt the passage across said bridge for a longer period than sixty days, under the penalty of paying to the Bridge Company an amount equal to ten dollars for each and every day over sixty days, that the passing of said bridge may be interrupted.

Sec. 6. And be it further enacted, That if said Company shall refuse to the Corporation of Georgetown the right to execute the provisions of this act, then the rights and provisions in favor of said Company, secured by the second section of this act, shall be null and void, and of no effect.

Sec. 7. And be it further enacted, That if the said Company shall refuse to permit the alteration in the draw herein provided for, and shall, within thirty days after the passage of this act, notify the Corporation of Georgetown of such refusal, then this act, and every thing therein contained, shall cease to have effect.

Sec. 8. And be it further enacted, That the Corporation of Washington, in said District of Columbia, be authorized to form a draw in said bridge, over the Eastern channel of said river, thirty five feet wide; for which purpose the sum of two thousand dollars is hereby appropriated, and is to be applied in the same manner by the Corporation of Washington, to the construction of the said last mentioned draw, as the appropriation in the first section of this act is to be made and applied by the Corporation of Georgetown, to the construction of the first mentioned draw; and further, that all the provisions of this act, relating to the first mentioned draw and the Corporation of Georgetown, shall apply to the draw last mentioned and the Corporation of Washington.

Sec. 9. And be it further enacted, That nothing contained in this act shall be considered as giving a construction to so much of the tenth and eleventh sections of the original charter of said Bridge Company, as relates to the construction of draws in said bridge.

Approved, May 14, 1830.

AN ACT to alter the time of holding the sessions of the Legislative Council of the Territory of Florida.

Be it enacted, &c. That the Legislative Council of the Territory of Florida shall commence its session on the first Monday in January in each year, instead of the second Monday in October, as now directed by law.

Sec. 2. And be it further enacted, That the first and third sections of an act "to amend an act for the apprehension of criminals and the punishment of crimes and misdemeanors," passed by said Legislative Council the fifteenth day of November, eighteenth hundred and twenty-nine, be, and the same are hereby annulled.

Approved, May 14, 1830.

AN ACT for the relief of sundry Revolutionary and other Officers and Soldiers, and for other purposes.

Be it enacted, &c. That the Secretary of War be, and he is hereby, authorized and required to place the names of John L. Polleresky, a major, Samuel Snow and David Mead Randolph, captains, Sylvanus Wood, Samuel George, William Holgate, and Nathaniel Elliot, lieutenants, and George Wunder, an ensign, in the Revolutionary war, on the list of Revolutionary pensioners, and to pay them each at the rate of twenty dollars a month, commencing on the first day of January, one thousand eight hundred and twenty-eight.

Sec. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and required to place the names of Samuel Hoadly, late a major, Robert Kane, an adjutant in a corps of volunteers, Zachariah S. Conger, John Downer, Stephen Shea, and Michael Fishel, lieutenants, and Henry Starring, jr. an ensign in the late war, on the list of invalid pensioners; and to pay them as follows, to wit: to Samuel Hoadly, twelve dollars a month; to Robert Kane, eight dollars a month; to Zachariah S. Conger, fourteen dollars a month; to John Downer, fifteen dollars a month; to Stephen Shea, twenty dollars a month; to Michael Fishel, seventeen dollars a month; and to Henry Starring, jr. ten dollars a month, commencing on the first day of January, one thousand eight hundred and twenty-eight.

Sec. 3. *And be it further enacted*, That the Secretary of War be, and he is hereby, required to place the names of the following persons upon the list of Revolutionary pensioners, viz: Samuel French, William Lawrence, Asa Wilkins, Stephen Fuller, Stephen Wilcox, Elijah Johnston, Samuel Sykes, Josiah Morse, Abiel Brown, John Lemmon, Andrew Bacon, Joseph Haynesford, Benjamin Mott, Joseph Boss, Levi Hutchins, John Perry, second, James Johnson, James Robinson, Chamberlain Hudson, Philemon Tiffany, Lemuel Pardee, Joseph Wilson, Isaac Smally, William Cole, Hartman Lower, John Reizer, Daniel Hinds, Joseph B. Jennison, Henry Romer, David Carswell, Joseph Barlow, Hamblin Cole, John Powell, Christopher Cary, William Scott, of Connecticut, Joseph Chaplin, John Putney, John Stout, Philip Nagle, Frederick Stull, James Porter, Absalom Baker, Richard Nagle, Robert Ditcher, Ezekiel Knowles, Caleb Wiseman, Thomas Putney, Anselm Bailey, William Scott, of Smithfield, Bradford county, Pennsylvania, Micajah Mayfield, Tristram Dagget, Edward Curran, George Giller, Samuel Fox, Joseph Neilson, Eli Sugart, Timothy Benedict, Asa Quiry, Seth Higley, William Higginbotham, Lemuel Withington, William Harris, Amos Ingraham, Benjamin Jones, Thomas Salsbury, John Israel, Elias Porter, Frederick Sheckler, Reuben Ricker, Anthony Sluthour, Reuben Carter, Joseph Smith, John Hudson, Nathaniel Fuller, Henry Doll, Amos Andrews, Valentine Stickell, Joel Riggins, William Vickroy, Joseph Randall, John McMurry, James Long, William Rockwell, Stephen Bennet, Josiah Mott, Simon Fobes, Thomas Bloomfield, Obed Cushman, Nathan Lockwood, Dennis Jones, Robert Milton, James Needs, Christopher Ward, Eliakim Clap, William Pew, Revolutionary soldiers, John McClain, a sailor, and Christopher Sype, a musician, and restore to the same list the names of Archibald Jackson, Roger Merrill, David Colson, Samuel Payson, Zadock Morris, Jacob Cramer, James Davidson, George Lucas, Jacob Radington, Ebenezer Beeman, Charles Sterns, Zacheus Rich, Francis Newton, Joshua Spears, Zephaniah Ross, Leonard Corl, and Moses Weld; and to pay them each at the rate of eight dollars a month, commencing on the first day of January, eighteen hundred and twenty-eight.

Sec. 4. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized, and required to pay, instead of their present pensions, to Humphrey Becket, Levi Hathway, and Jacob Zimmerman, Revolutionary soldiers, the sum of eight dollars a month to the two former, four dollars to the latter, and eight dollars a month to Minney Ryneason, and George Doogan, soldiers of the late war, to commence respectively on the first day of January, eighteen hundred and twenty-eight.

Sec. 5. *And be it further enacted*, That the Secretary of War be, and he is hereby authorized and required to place the names of James McFarlane, Henry Houser, James Ferrel, Esau Ritchey, George W. Morrison, Robert Gumbleton, Robert Currey, William Ferguson, Levi M. Roberts, William M. Fowler, Ebenezer Lord, Joseph Booth, John Carlton, second, soldiers of the late war,

Tandeheste, a Seneca warrior of the late war, Thomas Flemming, Cornelius Huson, Stephen Twist, William Turney, James Riley, Adrian Peters, on the list of invalid pensioners, and to pay them at the rate of eight dollars per month each, commencing respectively on the first day of January, eighteen hundred and twenty-eight.

Sec. 6. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and required to place the names of the following persons upon the invalid pension list, at the following rates, to wit: Silas Peese and Peter Shite at the rate of eight dollars a month each; Joshua Bill, Henry Barton, Robert Mophet, James D. Richardson, and Daniel Depuy, at the rate of five dollars thirty-three and one-third cents each; Benjamin Gates, at the rate of six dollars; William Gamage, Isaac Plumer, Thomas Gilbert, Jonathan Edwards, Asa Pratt, Elisha Douglass, John Pearle, William Clark, Jonathan Hoyt, and Henry Johnson, an Indian warrior of the Six Nations, at the rate of four dollars a month each, commencing respectively on the first day of January, eighteen hundred and twenty-eight.

Sec. 7. *And be it further enacted*, That the Secretary of War be, and he is hereby, directed to pay to Ann Little, administratrix of the estate of William Little, deceased, the amount of pension of said William Little, for one year, nine months and twenty-nine days.

Sec. 8. *And be it further enacted*, That the Secretary of War be, and he is hereby required, to place the name of Rachael Turner, widow of Peter Turner, a soldier of the late war, on the list of half-pay pensioners, and pay to her at the rate of four dollars a month, for the term of five years, to commence on the first day of January, one thousand eight hundred and twenty-eight.

Sec. 9. *And be it further enacted*, That the Secretary of War be, and he is hereby, required to place the name of Andrew Herrick, a soldier of the Revolution, and now a lunatic, upon the list of Revolutionary pensioners, and pay to such persons as shall be appointed and properly authorized, for the time being, to take charge of his person and estate, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and twenty-eight.

Sec. 10. *And be it further enacted*, That the Secretary of War be, and he is hereby, directed to place the name of Thomas Scott, alias Knox, a soldier of the late war, and now a lunatic, upon the list of invalid pensioners of the United States, and to pay to such person or persons as may be appointed and properly authorized to take charge of the person and estate of said Thomas Scott, alias Knox, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and twenty-eight; which said pension shall continue so long as the said Secretary shall be satisfied of the continuance of the disability aforesaid.

Sec. 11. *And be it further enacted*, That the Secretary of War be, and he is hereby, directed to pay to the minor children of Collins Hurlbut, a soldier of the late war, their guardians, or such other person as may be lawfully authorized to receive the same for the use of said children, the sum of four dollars per month, for the term of five years, to commence on the first day of January, one thousand eight hundred and twenty-eight.

Sec. 12. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and required to place upon the pension roll the name of James Royal, of Tennessee, at the rate of eight dollars per month, to be paid at the same time, and in the same manner, as pensions are usually paid, to commence on the first day of January, one thousand eight hundred and twenty-nine.

Sec. 13. *And be it further enacted*, That the pensions aforesaid shall be paid out of any moneys in the Treasury, not otherwise appropriated, in the same manner that other pensions are now payable.

Sec. 14. *And be it further enacted*, That, in all cases of the death of any of the pensioners named in this act, leaving a widow, such widow shall be entitled to receive the arrears of pensions due at the decease of her husband, under such rules and regulations as the Secretary of War may prescribe.

Approved: May 20, 1830.

AN ACT to establish a port of delivery at Delaware City.

Be it enacted, &c. That Delaware City, in the District of Philadelphia, shall be a port of delivery; and a Surveyor shall be appointed, who shall reside at said City.

Approved: May 20, 1830.

AN ACT making appropriations to carry into effect the Treaty of Butte des Mortes.

Be it enacted, &c. That the following sums be, and they are hereby appropriated, to be paid out of any unappropriated money in the Treasury, to carry into effect a treaty with the Chippewa, Menomonie, and Winnebago Indians, ratified the twenty-third February, one thousand eight hundred and twenty-nine, viz.

For the expense of distributing goods among the Indians at said treaty, as stipulated in the fourth article, fifteen thousand six hundred and eighty-two dollars.

For purposes of education, as provided by the fifth article, for three years, three thousand dollars.

For compensation of Commissioners, and other expenses attending the adjustment of boundaries, and other objects referred to in the first, second, and third articles, five thousand dollars.

Approved: May 20, 1830.

AN ACT for the relief of the City Council of Charleston, South Carolina.

Be it enacted, &c. That the sum of twenty-five thousand dollars, if so much be necessary, be applied by the Secretary of the Treasury to the erection, or purchase of a United States' Marine Hospital for the sick and disabled seamen, at Charleston, South Carolina; and, also, to indemnify the City Council of Charleston, for the damages which they have sustained, from being obliged to provide a building or buildings for such sick and disabled seamen, as would have been entitled to relief from the Marine Hospital Fund, in consequence of the failure of the Treasury Department to furnish the amount of fifteen thousand dollars, for the erection of a Marine Hospital, according to the terms of a contract entered into in the year one thousand eight hundred and four, between the then Secretary of the Treasury, and the said City Council.

Sec. 2. *And be it further enacted*, That the sum of twenty-five thousand dollars be, and the same is hereby appropriated for the foregoing purposes, out of any money in the Treasury not otherwise appropriated.

Approved, May 20, 1830.

AN ACT to reduce the duties on Coffee, Tea, and Cocoa.

Be it enacted, &c. That, from and after the thirty-first day of December, one thousand eight hundred and thirty, the duty on Coffee shall be two cents per pound, and from and after the thirty-first day of December, one thousand eight hundred and thirty-one, the duty on Coffee shall be one cent per pound, and no more; and from and after the thirty-first day of December, one thousand eight hundred and thirty, the duty on Cocoa shall be one cent per pound, and no more. And that, from and after the thirty-first December, one thousand eight hundred and thirty-one, the following rates of duty and no other, shall be levied and collected on Teas imported from China, or other place East of the Cape of Good Hope, and in vessels of the United States, to wit: Imperial, Gunpowder, and Gomee, twenty-five cents per pound; Hyson and Young Hyson, eighteen cents per pound; Hyson Skin,

and other Green Teas, twelve cents per pound; Sou-chong, and other Black Teas, except Bohea, ten cents per pound; and Bohea four cents per pound; and on teas imported from any other place, or in vessels other than those of the United States, the following rates, to wit: Imperial, Gunpowder, and Gomee, thirty-seven cents; Hyson and Young Hyson, twenty-seven cents; Hyson Skin and other green teas, twenty cents; Sou-chong, and other black teas, except Bohea, eighteen cents; and Bohea six cents per pound.

Sec. 2. *And be it further enacted*, That Tea, Cocoa, and Coffee, which have been, or which shall be hereafter put into the Custom House stores, under the bond of the importer, and which shall remain under the control of the proper officer of the customs, on the thirty-first of December, one thousand eight hundred and thirty, and the thirty-first day of December, one thousand eight hundred and thirty-one, respectively, shall be subject to no higher duty than if the same were imported, respectively, after the said thirty-first day of December, one thousand eight hundred and thirty, and the thirty-first day of December, one thousand eight hundred and thirty-one: *Provided*, That nothing herein contained shall be construed to alter or postpone the time when the duty on the said Tea, Cocoa, and Coffee shall be payable.

Approved, May 20, 1830.

AN ACT for the relief of Jonathan Taylor, and the representatives of James Morrison and Charles Wilkins.

Be it enacted, &c. That the Secretary of the Treasury pay, out of any money not otherwise appropriated, to Jonathan Taylor, and the representatives of James Morrison and Charles Wilkins, twelve thousand sixty-one dollars and ninety-nine cents, in the proportion of one-third to each, for the improvements made by the said Taylor, Morrison, and Wilkins, at the salt works, in what is now the State of Illinois, under a lease between the United States and them, dated on the fifth of February, one thousand eight hundred and ten; which amount was liquidated by the President of the United States, on the second of June, one thousand eight hundred and twenty; and to be discharged by surrendering to said lessees, kettles of that value, at said works, but which the State of Illinois has declined to surrender, claiming to own them by the cession of said works by the United States to the State of Illinois.

Approved: May 20, 1830.

AN ACT to amend an act, entitled "An act to regulate the practice in the Courts of the United States, for the District of Louisiana."

Be it enacted, &c. That the mode of proceeding in drawing and empanneling juries in the Courts of the United States for the Louisiana Districts shall be the same as is now provided by law in the District Courts of the State of Louisiana; and that the Judge of the United States' Courts in said District be, and he is hereby authorized, by rule, to adopt any amendment that may hereafter be made to the laws of the said State, prescribing the qualification of jurors, and providing for drawing and empanneling juries.

Sec. 2. *And be it further enacted*, That all the duties prescribed by the laws of the State of Louisiana, to be performed by the sheriff, in relation to the drawing and summoning of jurors, shall be performed by the marshals, and those so prescribed for the Parish Judge, or the District Judge of the State, shall be performed by the District Judge of the United States. And that the duties so prescribed by the said State laws, imposed on any other State officer, shall be performed by such householders as shall be designated by the said Judge of the District Court of the United States.

Approved: May 20, 1830.

AN ACT to Incorporate the Alexandria Canal Company.

Be it enacted, &c. That John Roberts, Phineas Janney, Robert J. Taylor, Thompson F. Mason, Hugh Smith, Anthony C. Cazenove, William H. Miller, Charles Bennett, Edmund J. Lee, Colin Auld, Henry Dangerfield, George Brènt, and Jonathan Bucher, be, and they are hereby appointed Commissioners, any three of whom shall be competent to act, to receive subscriptions to the capital stock of the Company hereinafter incorporated. The said Commissioners shall cause books to be opened, at such times and places as they shall think fit, under the management of such persons as they shall appoint for receiving subscriptions to the capital stock of the said Company, which subscriptions may be made either in person or by power of attorney; and notice shall be given by the said Commissioners of the time and place of opening the books.

Sec. 2. And be it further enacted, That the said Commissioners shall cause the books to be kept open at least twenty days, and within sixty days after the expiration thereof, shall call a general meeting of the subscribers, at the town of Alexandria, of which meeting notice shall be given by a majority of the Commissioners, in at least one newspaper published in the City of Washington, and one published in the town of Alexandria, at least twenty days next before the said meeting; and such meeting shall and may be continued until the business shall be finished; and the Commissioners, at the time and place aforesaid, shall lay before the subscribers the books containing the state of the said subscription, and if one-fourth of the capital sum of two hundred and fifty thousand dollars should not appear to have been subscribed, then the said Commissioners, or a majority of them, are empowered to take and receive subscriptions to make up such deficiency, and may continue to take and receive subscriptions for the term of twelve months thereafter; and a just and true list of all subscribers, with the sum subscribed by each, shall be made out and returned by the said Commissioners, or a majority of them, under their hands, to the Secretary of the Treasury of the United States, to be carefully preserved; and in case more than two hundred and fifty thousand dollars shall be subscribed, then the sum subscribed shall be reduced to that amount by the said Commissioners, or a majority of them, by beginning at, and striking off a share from, the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest, and above one share, until the same shall be reduced to the capital aforesaid, or until a share shall be taken from all subscriptions above one share; and lots shall be drawn between subscribers of equal sums, to determine the number of shares which each subscriber shall be allowed to hold on a list to be made for striking off, as aforesaid; and, if the sum subscribed shall exceed the capital aforesaid, then to strike off by the same rule, until the sum subscribed shall be reduced to the capital aforesaid, or all subscriptions reduced to one share, respectively; and if there be still an excess, then lots shall be drawn to determine the subscribers who are to be excluded, in order to reduce the subscription to the capital aforesaid, which striking off shall be certified on the list aforesaid; and the capital stock of the Company hereby incorporated, shall consist of two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, of which every person subscribing may take and subscribe for one or more whole shares: *Provided,* That unless one-fourth of the said capital shall be subscribed, as aforesaid, all subscriptions under this act shall be void; and in case one-fourth, and less than the whole, shall be subscribed, then the said Commissioners, or a majority of them, are hereby empowered and directed to take and receive the subscriptions which shall first be offered in whole shares, as aforesaid, until the deficiency shall be made up; a certificate of which additional

subscription shall be made, under the hands of the said Commissioners, or a majority of them for the time being, and returned as aforesaid.

Sec. 3. And be it further enacted, That, whenever one half, or a greater part, of the said stock shall have been subscribed in the manner aforesaid, then the subscribers, their heirs and assigns, shall be, and are hereby declared to be, incorporated into a company, by the name of the Alexandria Canal Company, and may sue and be sued as such, and as such shall have perpetual succession, and a common seal; and it shall thereupon be the duty of the said Commissioners, or a majority of them, to call a general meeting of the subscribers, as they, or a majority of them, shall appoint, after advertising the same in such public prints as they, or a majority of them, may think proper; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a President and six Directors, for conducting the said undertaking, and managing all the said Company's business and concerns, for and during such time, not exceeding three years, as the said subscribers, or a majority of them, shall think fit; and, in counting the votes of all general meetings of the said Company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every ten shares above ten, by him or her held at the time, in the stock of the said Company; and any proprietor, by writing, under his or her hand, executed before two witnesses, may depurate any other member or proprietor, to vote and act as proxy for him or her, at any general meeting: *Provided, also,* That no officer or director of said Company shall be allowed to vote on any stock but his own: *And provided, also,* That nothing herein contained shall be construed to prevent any person or persons, who may, from time to time, be by law appointed, from voting at any general meeting on any stock which may be held by any State.

Sec. 4. And be it further enacted, That the said President and Directors, and their successors, or a majority of them assembled, shall have full power and authority to appoint, and at their pleasure dismiss, such engineer or engineers, and agent or agents, as they may deem expedient, and to fix their compensation, and to agree with any person or persons, on behalf of the said Company, to cut canals, erect dams, open feeders, construct locks, and perform such other works as they shall judge necessary and expedient for completing a canal, from the termination, or other point on the Chesapeake and Ohio Canal, to such place in the town of Alexandria as the Board of Directors shall appoint; and out of the money arising from the subscriptions and tolls, to pay for the same, and to repair and keep in order the said canals, locks, and other necessary works thereto, and to defray all incidental charges; and also, to appoint a Treasurer, Clerk, and other officers, toll-gatherers, managers, and servants, as they shall judge requisite; and to agree for and settle their respective wages or allowances, and to settle, pass, and sign their accounts; and also, to make and establish rules of proceeding, and to transact all other business and concerns of the said Company, in and during the intervals between the general meetings of the same; and they shall be allowed, as a compensation for their trouble therein, such sum of money as shall, by a general meeting of the stockholders, be determined: *Provided always,* That the Treasurer shall give bond, in such penalty and with such security, as the said President and Directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him; and that the allowance to be made him for his services shall not exceed three dollars in the hundred, for the disbursements by him made; and that no officer in the Company shall have any vote in the settlement or payment of his own account.

Sec. 5. *And be it further enacted*, That, on all subscriptions there shall be paid, at the time of the subscription, on each share, one dollar; and thereafter, when the Company shall be formed, the stock subscribed shall be paid in such instalments, and at such times, as the President and Directors shall, from time to time, require, as the work advances: *Provided*, That not more than one-half shall be demanded within any one year from the commencement of the work, nor any payment demanded until at least thirty days public notice thereof shall have been given in such public newspapers as the said President and Directors shall direct such notices to be published in; and, whenever any subscriber shall fail to pay any instalment called for by the Company, it shall and may be lawful for the Company, upon motion, to be made in any Court of Record, after ten days' notice, to obtain a judgment against the subscriber so failing to pay; or the said Company, at their option, may sell the stock of such subscriber, after giving sixty days' notice in such public newspapers as they may judge proper; and, if the proceeds of any such sale shall exceed the sum demanded, the surplus, after paying the expenses of such sale, shall be paid to the subscriber so failing, or his legal representatives; and the purchaser at such sale shall become a stockholder, and be subject to the same rules and regulations, and entitled to the same privileges, rights, and emoluments, as original subscribers under this act.

Sec. 6. *And*, to continue the succession of the said President and Directors, and to keep up the same number, *be it enacted*, That from time to time, upon the expiration of the said term for which the said President and Directors were appointed, the stockholders of the said Company, at their next general meeting, shall either continue the said President and Directors, or any of them, or choose others in their stead; (and, until such choice be made, the President and Directors for the time being shall continue in office;) and, in case of the death, removal, resignation, or incapability of the President, or any of the Directors, may and shall, in manner aforesaid, elect any other person or persons to be President and Directors, in the room of him or them, so dying, removing, or resigning; and may, at any one of their general meetings, remove the President, or any of the Directors, and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

Sec. 7. *And be it further enacted*, That every President and Director, before he acts as such, shall take an oath or affirmation, for the due execution of his office.

Sec. 8. *And be it further enacted*, That the presence, in person or proxy, of the stockholders having a major part of the stock, at least, shall be necessary to constitute a general meeting of the stockholders, which shall be held on the first Monday in May, in every year, at such convenient place as shall be, from time to time, appointed by the said general meetings; but, if a sufficient number shall not attend on that day, the stockholders who do attend, may adjourn from time to time, until the stockholders holding the major part of the stock do attend and the business of the Company is finished; to which meeting, the President and Directors shall make report, and render distinct accounts of all their proceedings; and on finding them fairly and justly stated, the stockholders then present, or a majority of them, shall give a certificate thereof, duplicate of which shall be entered on the Company's books; and, at such yearly general meetings, after leaving in the hands of the Treasurer such sums as the stockholders, or a majority of them, shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising from the tolls hereby granted, shall be ordered and made to and among all the stockholders of the said Company, in proportion to their several shares, subject to the several provisions and en-

actments hereinafter declared; and, upon any emergency, in the interval between the said yearly meetings, the said President, or a majority of the said Directors, may appoint a general meeting of the stockholders of the Company, at any convenient place, giving at least one month's previous notice in such newspapers as they shall think proper; which meeting may be adjourned, and continued, as aforesaid; and in case the stockholders, or a majority of them, in any general meeting aforesaid, shall deem it expedient to order a semi-annual, rather than a yearly dividend, as aforesaid, then, in like manner, with like notice, and under the like restrictions, there shall be a half yearly, or semi-annual dividend of nett profits declared and paid.

Sec. 9. *And be it further enacted*, That, for and in consideration of the expense the said stockholders will be at in cutting the said canal, erecting locks and dams, providing aqueducts, feeders, and other works, and in improving and keeping the same in repair, the said canal, and all other works aforesaid, or which may be required to improve the navigation thereof, at any time thereafter, with all their profits, subject to the limitations herein provided, shall be, and the same are hereby, vested in the said stockholders, their executors, administrators, and assigns, forever, as tenants in common, in proportion to their respective shares; and that it shall and may be lawful for the said President and Directors at all times, forever thereafter, to demand and receive, at such places as shall hereafter be appointed by the President and Directors aforesaid, tolls for the passage of vessels, boats, rafts produce and all other articles, at such rates as the said President and Directors may hereafter allow and establish, according to the provisions of this act.

Sec. 10. *And be it further enacted*, That, if the Commissioners, or any of them, hereby required to be appointed, shall die, resign, or refuse to act, the vacancy occasioned thereby, shall be filled by a person or persons appointed by the President of the United States; and the person or persons so appointed, shall have all the power and authority which was vested in the commissioners, whose place he or they may be appointed to supply; and when any part of the canal aforesaid shall have been completed, according to the true intent and meaning of this act, the President and Directors of the Company, hereby created, shall have power, and it shall be their duty to ordain and establish a rate of tolls to be paid upon boats, vessels, rafts, or other property, passing on the part of the canal so completed, and so, from time to time, as a part or parts shall be completed, until the entire canal shall have been finished, according to the true intent and meaning of this act; for the collection of which tolls, the President and Directors shall have power to establish so many toll-houses, and, at their pleasure, appoint and remove so many collectors, and at such places as, from time to time, they may judge expedient; and the said President and Directors shall have full authority, subject to the direction and control of a majority in interest of the stockholders represented in any general meeting, to regulate and fix a tariff of tolls, not exceeding an average of two cents per ton, per mile; and so to adjust the said tolls in relation to the capacity or burden of the boats, and the dimensions of the rafts, passing the locks of the said canal, as to promote economy of water and time, in the navigation thereof.

Sec. 11. *And be it further enacted*, That the President and Directors shall annually or semi-annually declare and make such dividend of the nett profits, from the tolls to be received, according to the provisions of this act, and from other resources of the Company, as they may deem advisable, after deducting therefrom the necessary current and the probable contingent expenses, to be divided among the proprietors of the stock of the said Company, in proportion to their respective shares, until the au-

nual dividend thereon shall have reached twenty per centum, beyond which it shall never extend, but should the nett revenue of the Company exceed that amount for any two years in succession, then such excess shall be applied by the President and Directors, in such mode as shall be agreed on by a majority of the stockholders, convened in general meeting, to strengthening, improving, and extending the works of the canal of every description requiring the same; and should the said tolls continue, after such improvements have been completed, to nett more than twenty per cent. per annum to the stockholders, for any two years in succession, the tolls upon the same shall be reduced by the President and Directors, according to some just and equitable ratio, till the said dividend shall fall to twenty per cent. per annum: *Provided*, That should the said dividend thereafter sink below twenty per cent. per annum, the said tolls, or a part thereof, may be renewed, till the said nett dividend reaches that amount.

Sec. 12. *And be it further enacted*, That the said canal, and the works to be erected thereon, in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities, and produce, whatever, on payment of the tolls to be imposed, as provided by this act; and no other toll or tax whatever, for the use of the said canal, and the works thereon erected, shall at any time hereafter be imposed, unless under sanction of a law of the United States.

Sec. 13. *And be it further enacted*, That it shall and may be lawful for the President and Directors, or a majority of them, to agree with the owners of any land, through or on which it is intended that the said canal, or any of the works thereunto appertaining, shall pass, or be situated, or of the land necessary for the construction of a basin at the termination of the said canal at Alexandria, for the purchase or use and occupation thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non-compos, or out of the District of Columbia, on application to a Justice of the Peace of the county in which such lands shall be, the said Justice of the Peace shall issue his warrant, under his hand and seal, to the Marshal of the District of Columbia, to summon a jury of eighteen inhabitants of that county, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the Marshal, upon receiving the said warrant, shall forthwith summon the said jury, and, when met, shall administer an oath, or affirmation to every jurymen who shall appear, being not less than twelve in number, that he will faithfully, justly, and impartially, value the land, and all damages the owner thereof shall sustain by cutting the canal through such land, or the use or occupation for the purposes and period necessary, of such land, according to the best of his skill and judgment, and that, in such valuation, he will not spare any person for favor or affection, nor any person grieve, for malice, hatred, or ill-will; and in every such valuation and assessment of damages, the jury shall be, and they are hereby, instructed to consider in determining and fixing the amount thereof, the actual benefit which will accrue to the owner, from conducting the said canal through, or erecting any of the said works upon his land, and to regulate their verdict thereby, except that no assessment shall require any such owner to pay or contribute any thing to the said company, where such benefit shall exceed, in the estimate of the jury, the value and damages ascertained as aforesaid; and the inquisition, thereupon taken, shall be signed by the Marshal, and some twelve or more of the jury, and returned by the Marshal to the Clerk of the county; and unless good cause be shown

against the said inquisition, it shall be affirmed by the Court, and recorded; but, if the said inquisition should be set aside, or if, from any cause, no inquisition shall be returned to such court within a reasonable time, the said Court may, at its discretion, as often as may be necessary, direct another inquisition to be taken, in the manner above prescribed; and upon every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and the quantity and duration of the interest and estate in the same, required by the said Company for its use; and their valuation shall be conclusive, upon all persons, and shall be paid by the said President and Directors to the owner of the land, or his legal representatives; and on payment thereof, the said company shall be seized of such land, as of an absolute estate in perpetuity, or with such less quantity and duration of interest in the same, or subject to such partial or temporary use or occupation, as shall be required and described as aforesaid, as if conveyed by the owner of them; and whenever, in the construction of the said Canal, or any of the works thereof, locks, dams, ponds, feeders, tunnels, aqueducts, bridges, or works, of any other description whatsoever appurtenant thereto, it shall be necessary to use earth, timber, stone, or gravel, or any other material, to be found on any of the lands adjacent or near thereto, and the said President and Directors, or their agent, cannot procure the same for the works aforesaid, by private contract, of the proprietor or owner, or in case the owner shall be a femme-covert, or non compos, or under age, or out of the District of Columbia, the same proceedings, in all respects, shall be had, as in the case before mentioned, of the assessment and condemnation of the lands for the said canal, or the works appurtenant thereto.

Sec. 14. *And be it further enacted*, That it shall be the duty of the Company hereby incorporated, to cut, make, and construct the said Canal, with good and sufficient locks, on the most improved plan for expedition in the use thereof, and with a width of not less than forty feet at the surface of the water therein, or of twenty-eight feet at the bottom thereof, unless the quality of the soil shall require a narrow base, to admit of a sufficient slope to preserve the banks from sliding down, and sufficient to admit, at all seasons, the navigation of boats and rafts, with a depth of not less than four feet water, at the least; and whenever wastes shall be essential to the security of the said canal, and in no other situation whatever, along the same, the waste water of the said canal may be, from time to time, sold or disposed of by the said company, for the purpose of supplying such works and machinery as require a water power; and along one side at least, of the said canal, and such aqueducts as it may render necessary, there shall be provided, throughout its whole extent, a towing path of sufficient breadth to apply the power of horses to the navigation thereof.

Sec. 15. *And be it further enacted*, That the stock of the said company shall be considered as personal estate, and shall only be transferable by the owners thereof, in person or by proxy, on the books of the company: *Provided*, That no transfer shall be made, except for one or more whole shares, and not for part of such share or shares; and that no share or shares shall at any time be sold, conveyed, or held in trust, for the use and benefit, or in the name of another, whereby the said President and Directors, or the stockholders of the said company, or any of them, shall or may be challenged, or made to answer concerning any such trust; but that every person appearing, as aforesaid, to be a stockholder, shall, as to the others of the said company, be, to every intent, taken absolutely as such; but as between any trustee, and the person for whose benefit any trust shall be created, the common remedy may be pursued.

Sec. 16. *And be it further enacted*, That, if the capital

aforesaid shall prove insufficient, it shall and may be lawful for the said company, from time to time, to increase the said capital, by the addition of so many whole shares as shall be judged necessary by the said stockholders, or a majority of them, present at any general meeting of the said company; and the said President and Directors, or a majority of them, are hereby empowered and required, after giving at least two months' previous notice thereof in such newspapers as they may think proper, to open books at such places as they shall think proper, for receiving such additional subscriptions, in which the stockholders of the said company, for the time being, shall, and are hereby declared to have the preference of all others, for the first thirty days after the said books shall be opened, as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose; and the said President and Directors are hereby required to observe, in all other respects, the same rules therein, as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return, under the hands of any three or more of them, an exact list of such additional subscriptions, with the sums subscribed, to the Secretary of the Treasury of the United States, to be by him preserved, as aforesaid; and all stockholders of such additional shares shall, and are hereby declared to be, from thenceforward, incorporated into the said company.

Sec. 17. *And be it further enacted*, That, whenever it shall become necessary to subject the lands of any individuals to the purposes provided for in this act, and their consent cannot be obtained, it shall and may be lawful for the company to enter upon such land, and proceed to the execution of such works as may be requisite; and that the pendency of any proceedings in any suit, in the nature of a writ of *ad quod damnum*, or any other proceeding, shall not hinder or delay the progress of the work; and it shall be the duty of every Court to give precedence to controversies which may arise between the company created by this act, and the proprietors of land sought to be condemned for public uses, and to determine them in preference to all other causes.

Sec. 18. *And be it further enacted*, That the Common Council of the town of Alexandria be, and they are hereby, authorized to subscribe for the capital stock of the said Company, on behalf of the Corporation of the said town, and to borrow money for the payment thereof, and to raise by taxes, to be imposed on the inhabitants of the said town, and the property therein such sums as shall be necessary for the payment of such subscriptions or loans.

Approved: May 26, 1830.

AN ACT to quiet the titles of certain purchasers of lands between the lines of Ludlow and Roberts, in the State of Ohio.

Be it enacted, &c. That the President of the United States be, and he hereby is, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the Virginia military claimants of lands situated between the two lines in the State of Ohio, commonly called Ludlow's and Roberts' lines, and South of the Greenville treaty line, located prior to the twenty-sixth day of June, in the year of our Lord one thousand eight hundred and twelve, the sum of sixty-two thousand five hundred and fifteen dollars and twenty-five cents, with interest thereon from the fourth of March, eighteen hundred and twenty-five, at six per cent. per annum, until paid; being the amount at which said lands were valued, exclusive of improvements, under the act of Congress, entitled "An act to authorize the President of the United States to enter into certain negotiations relative to the lands located under Virginia military land warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio:" *Provided*, how-

ever, That, before the payment of said sum, the said claimant or claimants shall relinquish, by deed or deeds, to the United States, in such manner as the President shall direct, their title or titles to the said lands.

Sec. 2. *And be it further enacted*, That the payments aforesaid shall be made as directed to the said claimants, according to the valuation of their respective tracts of land, made under the above recited act of Congress.

Approved: May 26, 1830.

AN ACT to provide for the final settlement of land claims in Florida.

Be it enacted, &c. That all the claims and titles to land filed before the Register and Receiver of the Land Office, acting as Commissioners in the District of East Florida, under the quantity contained in one league square, which have been decided and recommended for confirmation, contained in the reports, abstracts and opinions of said Register and Receiver, transmitted to the Secretary of the Treasury, according to law, and referred by him to Congress, on the fourteenth day of January, one thousand eight hundred and thirty, be, and the same are hereby confirmed, with the exception of such claims as were confirmed by the Spanish Government, subsequent to the twenty-fourth day of January, one thousand eight hundred and eighteen, which shall be re-examined and reported, with the evidence, by the Register and Receiver, before the next session of Congress, to the Secretary of the Treasury, to be laid before Congress.

Sec. 2. *And be it further enacted*, That all the conflicting Spanish claims, reported in obedience to the fourth section of the act of Congress, approved May the eighth, one thousand eight hundred and twenty-two, and recommended for confirmation as valid titles, be, and the same are hereby, confirmed, so far as the United States have any title to the same.

Sec. 3. *And be it further enacted*, That all claims derived from the former British Government, contained in reports of the Commissioners of East Florida, or the Register and Receiver, acting as such, who did not avail themselves of the provisions of the treaty between Spain and England, signed at Versailles on the twentieth of January, one thousand seven hundred and eighty-three, by leaving said Province, but who remained in the same, and became Spanish subjects, and whose titles were approved by the Spanish authorities, and have been recommended for confirmation by said Commissioners, or Register and Receiver, acting as such, be, and the same, are hereby, confirmed.

Sec. 4. *And be it further enacted*, That all the remaining claims which have been presented according to law, and not finally acted upon, shall be adjudicated and finally settled upon the same condition, restrictions, and limitations, in every respect, as are prescribed by the act of Congress, approved twenty-third May, one thousand eight hundred and twenty-eight, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida."

Sec. 5. *And be it further enacted*, That it shall be the duty of the Register and Receiver to deliver over all papers relative to private land claims in East Florida to the keeper of the public archives.

Sec. 6. *And be it further enacted*, That all confirmations of land titles under this act, shall only operate as a relinquishment of the right of the United States to the said lands respectively, and shall not be construed either as a guarantee of any such titles, or in any manner affecting the rights of other persons to the same lands.

Sec. 7. *And be it further enacted*, That so much of the act of twenty-third of May, one thousand eight hundred and twenty-eight, as directed that the selection of claimants who availed themselves of the first section of said act, by accepting a quantity equal to one league square

within their respective grants, which confined the selection to sectional lines, shall not be held to extend to a selection by the claimants of a greater quantity than a section, but the said claimants, who have, or may hereafter select, under the provisions of said law, any quantity equal to the amount granted in bodies larger than a section in the form of any Spanish survey or plat of survey, or where the sections are broken by any river, the said land so selected, or which may be so selected, is hereby confirmed to said claimants; and it shall be the duty of the Surveyor General to make a survey and certificate of all such claims, to return the same to the Commissioner of the General Land Office, and thereupon a patent shall issue to the original grantee, or to his assignee, if the land has been sold or transferred to any other person, or to the legal owner by purchase or descent.

Sec. 8. *And be it further enacted*, That the claimants who are entitled to the provisions of that act, or who may avail themselves of the foregoing provision of this act, by taking a quantity equal to a league square in lieu of the whole grant, shall be, and they are hereby, allowed the further time of one year, from the passage of this act, to execute their relinquishment, and to file their acceptance of the provisions of said law.

Sec. 9. *And be it further enacted*, That it shall be the duty of the Registers and Receivers to restore to the claimants the title deeds on which they may have finally rejected the claims.

Approved: May 26, 1830.

AN ACT for the distribution of certain books therein mentioned.

Be it enacted, &c. That the copies of the Diplomatic Correspondence of the American Revolution, published in pursuance of a resolution of Congress of twenty-seventh March, one thousand eight hundred and eighteen, which have been or may hereafter be received at the Department of State, be distributed and disposed of in manner following to wit:

To the President and Vice President of the U. States, one copy each; to the Heads of Department, five copies each; to the Postmaster General, the Commissioner of the General Land Office, and the Superintendent of the Patent Office, one copy each; to each member and Delegate of the present Congress, one copy; to the Library of the Senate, five copies, to the Library of the House of Representatives, ten copies; to the Attorney General, the Judges of the Supreme Court, and of the other Courts of the United States, each one copy; to each Governor of a State or Territory, for the public library of the State or Territory, one copy; to the Military Academy at West Point, and to each incorporated University, College, Historical or Antiquarian Society, and Athenæum, one copy; to the Secretary of State, one copy for each American Legation in foreign countries; to the Secretary of the Navy five copies for the Naval Commanders on different stations; and to each person who has been President of the U. States, one copy.

Sec. 2. *And be it further enacted*, That, of the edition of the Journals of the House ordered to be printed by a resolution of this House of eighteenth May, one thousand eight hundred and twenty-six, the copies be distributed in the manner following, to wit:

To the President and Vice President of the U. States, one copy each; to the Heads of Department, five copies each; to each Member and Delegate of the present Congress, one copy; to the Library of the Senate, five copies; to the Library of the House of Representatives, ten copies; to the Attorney and Postmaster General, one copy each; to each Governor of a State or Territory, for the public library of the State or Territory, one copy; to the Military Academy at West Point, and to each incorporated University, College, Historical or Antiquarian So-

ciety, and Athenæum, one copy; and to each person who has been President of the United States, one copy; and that the residue remain in the custody of the Clerk of the House of Representatives, till otherwise ordered by the House.

Sec. 3. *And be it further enacted*, That the books hereby directed to be distributed, be properly prepared for transmission, under the direction of the Clerk of the House of Representatives; and that they be forwarded free of postage, by mail, to the persons hereby authorized to receive them, or delivered to the order of said persons in the city of Washington.

Sec. 4. *And be it further enacted*, That, of the copies of the Diplomatic Correspondence of the Revolution which shall remain after the distribution aforesaid, one copy shall be distributed to each new member of each Congress succeeding the present, until all the copies shall have been distributed, with the exception of twenty-five, which shall be retained for the Library of Congress.

Approved, May 26, 1830.

AN ACT for the relief of Jonathan Chapman.

Be it enacted, &c. That the Collector of the Customs for the district of Boston and Charlestown, be authorized to issue certificates of debenture to Jonathan Chapman, for the amount of drawback of duties on fifty hogshheads of domestic spirits, containing five thousand five hundred and thirty-one gallons, which were shipped on board the brig Prudent, Benjamin Barney, master, at Boston, on the eighth day of August, one thousand eight hundred and eighteen, for Gibraltar and a market; which shipment was entered at the Custom-house, conformably to law, except that the necessary oath was not taken, nor the bond given within the time prescribed: *Provided*, That the said Jonathan Chapman shall, in all other respects, comply with the law, to entitle him to the said debenture.

Approved, May 26, 1830.

AN ACT to confirm the claim of Isidore Moore, of Missouri.

Be it enacted, &c. That the claim of Isidore Moore, of Perry county, Missouri, to five hundred arpens of land, at the place where he now resides, as assignee of Thomas Fenwick, under a concession, granted by Zenon Trudeau, late Lieutenant Governor of Upper Louisiana, dated the first day of June, one thousand seven hundred and ninety-seven, be, and the same is hereby, confirmed; and the proper Surveyor of the United States shall survey the said claim, so as to include the improvements of the said Isidore Moore, as nearly in the centre of the tract, as the situation of other private claims may admit; and, upon presentation of an authentic copy of such survey to the General Land office a patent shall be issued to the said Isidore Moore, for the land so surveyed: *Provided*, That this act shall not affect the rights of any other individual to the same grant hereby confirmed; and that, if any part of such survey should fall upon the sixteenth section, reserved for township schools, the County Court of Perry may select any other section, or part of a section, in the same township, the sale of which is authorized by law, and enter the same with the Register of the proper Land Office, to be reserved for the use of schools in said township, instead of such sixteenth section.

Approved, May 26, 1830.

AN ACT for the relief of Nancy Moore.

Be it enacted, &c. That Nancy Moore, of the County of St. Charles, State of Missouri, is hereby authorized to relinquish to the United States, the North-east quarter section number thirty-six, in township forty-eight, in range seven, west, entered by mistake and patented to said Nancy Moore, on the first day of October, in the year of

our Lord one thousand eight hundred and nineteen; and the said Nancy shall be, and hereby is authorized to select any other quarter section of land containing one hundred and sixty acres, from any lands within the District of St. Louis aforesaid, which may be subject to entry at private sale; for which quarter section, when entered, a patent shall issue as in other cases.

Approved, May 26, 1830.

AN ACT for the relief of Payson Perrin.

Be it enacted, &c. That the Collector of the Customs for the district of Boston and Charlestown be authorized to issue certificates of debenture to Payson Perrin, for the amount of drawback of duties on one hundred and five bales, and thirty half bales of Bengal Cotton, shipped on board the ship Tartar, of which the said Payson Perrin was master, at Boston, in September, one thousand eight hundred and eighteen, for Havre, in France, which shipment was entered at the Custom-house for exportation, but the oath required by law was not taken, nor the bond given within the time prescribed by law: *Provided*, That said Payson Perrin shall, in all other respects, comply with the law, to entitle him to the said debenture.

Approved, May 26, 1830.

AN ACT for the relief of Mountjoy Bayly.

Be it enacted, &c. That the Secretary of War be directed to pay to Mountjoy Bayly, his commutation of five years' full pay as a Captain in the Maryland line, in the war of the Revolution: *Provided*, He shall satisfy the said Secretary that he was entitled to said commutation, and never received it from the United States.

Approved, May 26, 1830.

AN ACT for the relief of Lucy M. Lipscomb.

Be it enacted, &c. That the sum of one hundred dollars, out of any money in the Treasury, not otherwise appropriated, be, and the same is hereby appropriated, to the payment of that sum to Lucy M. Lipscomb, of Missouri, for so much money, erroneously deposited by her agent to the credit of the Treasurer of the United States; to be paid to the said Lucy, or to her order, on demand.

Approved, May 26, 1830.

AN ACT for the relief of John Edgar, of Illinois.

Be it enacted, &c. That the proper accounting officer of the Treasury Department be, and he is hereby, authorized to pay to General John Edgar, heretofore an acting Captain in the Navy, during the Revolutionary War, the same sum, in gross, and the same pay during his life, which other Captains have received, in virtue of the provisions of the act of Congress, entitled "An act for the relief of certain surviving officers and soldiers of the Army of the Revolution," approved fifteenth May, one thousand eight hundred and twenty-eight.

Approved, May 26, 1830.

AN ACT for the benefit of the creditors of Bennet and Morte.

Be it enacted, &c. That the Secretary of the Treasury be, and he hereby is, directed to pay out of any money in the Treasury, not otherwise appropriated, the sum of nine thousand three hundred and forty dollars to Isaac T. Preston, Eleazer W. Ripley, and Eben Fisk, for and on account of Bennet and Morte, late contractors for building the fortifications at Petite Coquille, and the Rigolets Pass, Louisiana; to be distributed and paid by them to the creditors of the said Bennet and Morte, according to law.

Approved, May 26, 1830.

AN ACT to provide for the appointment of a Solicitor of Treasury.

Be it enacted, &c. That there be appointed, by the President of the United States, by and with the advice and consent of the Senate; some suitable person, learned in law, to be Solicitor of the Treasury; and that all and singular the powers and duties that are by law vested in, and required from, the Agent of the Treasury of the United States, shall be transferred to, vested in, and required from, the said Solicitor of the Treasury; and the said Solicitor of the Treasury shall also perform and discharge so much of the duties heretofore belonging to the office of Commissioner, or acting Commissioner of the Revenue, as relates to the superintendence of the collection of outstanding direct and internal duties. And the said Solicitor shall have charge of all lands and other property, which have been or shall be assigned, set off, or conveyed to the United States, in payment of debts, and of all trusts created for the use of the United States, in payment of debts due them; and to sell and dispose of lands assigned, or set off to the United States, in payment of debts, or being vested in them by mortgage, or other security for the payment of debts; and in cases where real estate hath already become the property of the United States by conveyance, or otherwise, in payment of a debt, and such debt hath been fully paid, in money, and the same hath been received by the United States, it shall and may be lawful for the Solicitor of the Treasury to release by deed, or otherwise convey the same real estate to the debtor from whom it was taken, if he shall be living, or if such debtor be dead, to his heirs or devisees, or such person as they shall appoint.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall cause to be transferred to the Solicitor of the Treasury, all books, papers, and records, belonging or appertaining to the office of Agent of the Treasury, or belonging and appertaining to the superintendence of the collection of outstanding direct taxes and internal duties; and the Comptroller of the Treasury, and all other officers, who have heretofore been required to cause accounts to be stated and certified, or to make out or forward lists, returns, reports, or statements, to the Agent of the Treasury, are hereby required to cause such accounts to be stated and certified, and such lists, returns, reports, and statements, to be made, and forwarded to the Solicitor of the Treasury; and all lists, returns, reports, and statements, respecting outstanding direct taxes and internal duties, heretofore required to be made to the Commissioner or acting Commissioner of the Revenue, shall hereafter be made to the said Solicitor of the Treasury.

Sec. 3. *And be it further enacted*, That whenever any bond for duties shall be delivered to a District Attorney for suit, the Collector so delivering the same shall immediately give information thereof to the Solicitor of the Treasury, with a full and exact description of the date of such bond, the amount due thereon, and the name of all the obligors thereto: and the Solicitor of the Treasury shall thereupon make such entry thereof as that the said Attorney may duly appear chargeable therewith, until the amount thereof shall have been paid to the United States, or he shall have obtained judgment thereon, and delivered execution to the Marshal, or shall otherwise have been duly discharged therefrom: and the several District Attorneys of the United States shall, immediately after the end of every term of the Circuit and District Courts of the United States in their respective districts forward to the Solicitor of the Treasury a full and particular statement, as well of all cases in which the United States are party, which are pending in said courts, as of those which may have been decided during such term, accompanied by a certificate of the Clerk of such Court; and it shall be the duty of the Solicitor of the Treasury to

make constant and strict comparisons and examinations of the said returns of the District Attorneys, of the reports made by the Collectors of bonds delivered to the Attorneys for suit; and if it shall appear that any Collector shall make return of any bond as in suit, or delivered for suit, which is not, at the time, in suit, or delivered for suit, or shall return any bond as in suit, for the whole amount thereof, when part thereof has been paid to him, or as in suit for more than is actually due thereon, the Solicitor of the Treasury shall, immediately upon discovery thereof, communicate the same to the President of the United States; and it shall further be the duty of each Collector to accompany his return for the last quarter of every year with a particular account of bonds in suit, stating the amount actually unpaid on each; and to the truth of such account he shall certify on oath.

Sec. 4. *And be it further enacted*, That when any suit or action for the recovery of any fine, penalty, or forfeiture, shall be instituted or commenced, a statement of such suit or action shall be immediately transmitted to the Solicitor of the Treasury, by the Attorney instituting the same, and whenever any seizure shall be made for the purpose of enforcing any forfeiture, the Collector or other person causing such seizure to be made, shall, in like manner, immediately give information thereof to the Solicitor of the Treasury.

Sec. 5. *And be it further enacted*, That the said Solicitor shall have power to instruct the District Attorneys, Marshals, and Clerks of the Circuit and District Courts of the United States, in all matters and proceedings appertaining to suits in which the United States is a party, or interested, and cause them or either of them, to report to him from time to time, any information he may require in relation to the same.

Sec. 6. *And be it further enacted*, That all moneys recovered or collected by the Solicitor of the Treasury, or under his direction shall be reported by him to the officer from whom the bond or other evidence of debt, was received, and proper credit be given therefor; and he shall report in like manner, all credits allowed by due course of law; or any suits under his direction.

Sec. 7. *And be it further enacted*, That it shall be the duty of the Solicitor of the Treasury, with the approbation of the Secretary of the Treasury, to establish such rules and regulations, not inconsistent with law, for the observance of Collectors, District Attorneys, and Marshals, respecting suits in which the United States are parties, as may be deemed necessary for the just responsibility of those officers, and the prompt collection of all revenues and debts due and accruing to the United States.

Sec. 8. *And be it further enacted*, That it shall be the duty of the Solicitor of the Treasury to obtain from the several District Attorneys of the United States, full and accurate accounts of all causes and actions pending in the courts of the United States, in which the United States shall be plaintiffs, on the fourth day of July next; and shall cause an intelligible abstract thereof, showing the names of the parties in each suit, the cause of action, the time of its commencement, and such other matters as may be necessary to full information respecting the same, to be prepared and laid before Congress at the commencement of the next session.

Sec. 9. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is authorized to transfer one of the Clerks now employed in the office of the Fifth Auditor, to the office of Solicitor of the Treasury; and the said Clerk shall continue to receive the same salary as at present.

Sec. 10. *And be it further enacted*, That it shall be the duty of the Attorney General of the United States, at the request of said Solicitor, to advise with and direct the said Solicitor as to the manner of conducting the suits,

proceedings, and prosecutions aforesaid; and the Attorney General shall receive, in addition to his present salary, the sum of five hundred dollars per annum.

Sec. 11. *And be it further enacted*, That the Solicitor of the Treasury shall receive an annual salary of three thousand five hundred dollars; and be authorized to employ, with the approbation of the Secretary of the Treasury, one Clerk, who shall receive a salary of eleven hundred and fifty dollars per annum; and one Messenger, with a salary of five hundred dollars per annum. All letters to and from the Solicitor of the Treasury, relating to the duties and business of his office, shall be transmitted by mail free of postage.

Sec. 12. *And be it further enacted*, That the sum of three thousand five hundred dollars be, and the same hereby is appropriated for the payment of the said salaries for the present year; to be paid out of any money in the Treasury not otherwise appropriated.

Approved: May 29, 1830.

AN ACT making appropriations for certain expenditures on account of the Engineer, Ordnance, and Quartermaster's Departments.

Be it enacted, &c. That the following sums be, and the same are hereby appropriated, to wit:

For the erection of barracks and the purchase of land at Fort Crawford, Prairie du Chien, twelve thousand dollars.

For the payment of the land upon which the barracks are erected at Houlton, in the State of Maine, six hundred and twenty nine dollars and twenty-one cents.

For the completion of the barracks at New London, and for a portico to the officers' quarters, two thousand five hundred dollars.

For barracks, quarters, hospital, and store-houses at Green Bay, fifteen thousand dollars.

For the completion of Jefferson Barracks, in the State of Missouri, eight thousand seven hundred and thirty-five dollars.

For the erection of a store-house for the subsistence and Quartermaster's Departments at Baton Rouge, three thousand five hundred dollars.

For the erection of barracks at Key West, and for ditching, draining, and clearing the ground required to be used for military purposes, fifteen thousand dollars.

For opening a road from Green Bay to Winnebago Lake, and thence to Fort Winnebago, two thousand dollars.

For the completion of the military road in the State of Maine, forty-seven thousand four hundred and fifty-one dollars and seventy-two cents.

For the erection of wooden barracks for the troops at Fortress Monroe, ten thousand two hundred dollars.

For the purchase of five and a half acres of land for the use of the National Armory at Springfield, in Massachusetts, two thousand two hundred dollars.

For the erection of a new fire-proof Arsenal at the National Armory at Springfield, in Massachusetts, sixteen thousand dollars.

For the National Armory at Harper's Ferry, Virginia, viz: For extending the walls and embankments which convey the water from the Potomac river to the works, nine thousand three hundred dollars; for erecting a forging shop, tilt hammer, and new workshop, six thousand five hundred dollars; for the erection of ten additional dwelling houses for the workmen, ten thousand dollars; for slating the roofs of the present workshops, three thousand two hundred dollars.

For the purchase of five acres of land adjoining the Arsenal at Watertown, Massachusetts, five hundred dollars.

For the erection of a military laboratory and workshop at West Point, two thousand five hundred dollars.

For the purchase of a Lithographic Press, of paper, and ink, and for the employment of a suitable Lithographer for the War Department, six hundred dollars.

For barracks at Fort Gratiot, five thousand dollars.

For the security of the Pea Patch Island; for the construction of a new water tank; and for gravelling the parade at Fort Delaware, forty-one thousand three hundred and twenty-one dollars and fourteen cents.

Approved, May 31, 1830.

AN ACT providing for the settlement of the accounts of certain Diplomatic Functionaries.

Be it enacted, &c. That the proper accounting officer of the Treasury be, and he is hereby authorized, under the direction of the Secretary of State, to settle the accounts of William B. Lawrence, late Chargé des Affaires of the United States at London; of Alexander H. Everett, late Minister of the United States to Spain; and of James Barbour, Jr., late acting Secretary of Legation at London; William Radcliffe, late Consul of the United States at Lima, for diplomatic services performed upon the death of the Chargé des Affaires of the United States; and of William H. D. C. Wright, Consul of the United States at Rio de Janeiro, for diplomatic services performed upon the retirement of the Chargé des Affaires of the United States; as far as the same shall appear to the Secretary of State to have been sanctioned by instructions from the Department of State, or to have a just and equitable foundation in usage.

Approved, May 29, 1830.

AN ACT making a re-appropriation of a sum heretofore appropriated for the suppression of the slave trade.

Be it enacted, &c. That the unexpended balance of the sum of thirty thousand dollars, appropriated by the act entitled "An act making an appropriation for the suppression of the slave trade," approved, May twenty-fourth, one thousand eight hundred and twenty-eight, be re-appropriated to the same object, pursuant to the act of Congress of the third of March, one thousand eight hundred and nineteen.

Approved, May 31, 1830.

AN ACT for the relief of certain officers and soldiers of the Virginia Line and Navy, and of the Continental Army, during the Revolutionary War.

Be it enacted, &c. That the officers and soldiers, sailors and marines, who were in the service of Virginia on her own State establishment during the Revolutionary war, and who were entitled to military land bounties, by the laws and resolutions of that State, their heirs and assigns, shall be, and they are hereby authorized to surrender, to the Secretary of the Treasury of the United States, such of their warrants for the said land bounties as shall remain unsatisfied, in whole or in part, and to receive certificates or scrip for the same, at any time before the first day of January, in the year one thousand eight hundred and thirty-five, which certificates or scrip shall be issued by the said Secretary, and signed by him, and countersigned by the Commissioner of the General Land Office, in the following manner, that is to say: There shall be a separate certificate or scrip for such sum as shall, at the time of issuing the same, be equal to the then minimum price of each quantity of eighty acres of land due by such warrants, and remaining unsatisfied at the time of such surrender, and a like certificate or scrip for such sum as, at the time, shall be equal to the minimum price of the quantity that shall so remain unsatisfied, of any such warrant after such subdivisions of the amount into quantities of eighty acres. And where any such warrant shall have been lost or mislaid, by time and accident, it shall and may be lawful for the party desiring to surrender the same, to surrender an official copy thereof,

certified under the seal of the land office of Virginia, with the affidavit of the party endorsed upon, or accompanying the same, stating that such warrant has been lost or mislaid, and that the original has not been sold or transferred, to the knowledge or belief of the party so surrendering, or his or her guardian.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Commissioner of the General Land Office, to request the Executive of Virginia, to furnish him with a statement of all such warrants, within the purview of this act, as have already issued, showing the number and date of each warrant, and the quantity of acres granted by each, and also a monthly statement of the same description, showing the number, date, and quantity, of such warrants as shall hereafter be granted. And no warrant shall be taken to be within the provisions of this act, which shall hereafter be granted, unless the Executive of Virginia shall cause a certificate to be endorsed thereon, signed by some proper officer, stating that the party to whom such warrant shall be so granted, his, her, or their ancestor or deviser, was entitled thereto by some law or resolution of the said State, in force at the time of the deed of cession, by the State of Virginia, to the United States.

Sec. 3. *And be it further enacted,* That, before the Secretary of the Treasury shall issue the scrip required by the provisions of this bill, the applicants shall produce to him the certificate of the Register of the Land Office in Kentucky, and the certificate of the Surveyor of the military lands of the Virginia line, that the warrants, (when the original is presented, or the copy, when the original has been lost or destroyed) has not been located, surveyed, or patented, in Kentucky, attested by the seal of his office.

Sec. 4. *And be it further enacted,* That the certificates or scrip to be issued by virtue of this act, shall be receivable in payment for any lands hereafter to be purchased at private sale, after the same shall have been offered at public sale, and shall remain unsold at any of the Land Offices of the United States, established, or to be established, in the States of Ohio, Indiana, and Illinois. And all such certificates or scrip as shall be issued by virtue of this act, shall be assignable, by endorsements thereon, attested by two witnesses: *Provided,* That all certificates or scrip to be issued, in virtue of any warrant hereafter to be granted, shall be issued to the party originally entitled thereto, or his heir or heirs, devisee or devisees, as the case may be.

Sec. 5. *And be it further enacted,* That the provisions of this act shall be deemed and taken to extend to all such officers, soldiers, sailors, marines, chaplains, musicians, surgeons, and surgeons' mates, in the land or sea service of the State of Virginia during the Revolutionary war, and generally, to every person to whom the State had engaged to pay a land bounty for services in that war, of any description, by any law or resolution passed before, and in force at the date of the said deed of cession; except only such persons as are mentioned in, and provided for, by the reservation contained in the said deed of cession in favor of the officers and soldiers of the said State on continental establishment: *Provided,* That no scrip issued under the provisions of this act, shall entitle the holder to enter or purchase any settled or occupied lands, without the written consent of such settlers or occupants, as may be actually residing on said lands at the time the same shall be entered or applied for: *And provided, also,* That the amount of land thus located, shall not exceed two hundred and sixty thousand acres.

Sec. 6. *And be it further enacted,* That the provisions of the first and fourth sections of this act, shall extend to and embrace owners of military land warrants, issued by the United States, in satisfaction of claims for bounty land for services during the Revolutionary war; and that

the laws, heretofore enacted, providing for the issuing said warrants, are hereby revived and continued in force for two years.

Sec. 7. *And be it further enacted*, That the provisions of this act shall also be deemed and taken to extend to all the unsatisfied warrants of the Virginia army, on continental establishment: *Provided*, That the quantity thereof shall not exceed fifty thousand acres, in addition to the two hundred and sixty thousand acres heretofore authorized to be located by their State line.

Approved, May 30, 1830.

AN ACT making appropriations for examinations and surveys, and also, for certain works of Internal Improvement.

Be it enacted, &c., That the following sums be, and they are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, viz:

For defraying the expenses incidental to making examinations and surveys for National Works, under the act of the thirtieth April, one thousand eight hundred and twenty-four, including five thousand one hundred and four dollars and twenty-seven cents, for arrearages on account of surveys and office rent in the years one thousand eight hundred and twenty-six, one thousand eight hundred and twenty-seven, and one thousand eight hundred and twenty-eight, thirty thousand dollars.

For continuing the road from Detroit to Fort Gratiot, seven thousand dollars.

For continuing the road from Detroit to Saganaw bay, seven thousand dollars.

For continuing the road from Detroit to Chicago, eight thousand dollars.

For completing repairs on the road between Alachua Court House and Jacksonville, in Florida, two thousand dollars.

For completing the road from Alagua to Mariana, two thousand dollars.

For completing the survey and estimate of a canal to connect the waters of the Atlantic with the Gulf of Mexico, ten thousand four hundred dollars. And it shall be the duty of the Secretary of War to cause a detailed report to be made out, showing the practicability or impracticability of making a ship or other canal, and the reasons for either, with an estimate of the probable expense, and advantages of such a canal as may be considered practicable.

Sec. 2. *And be it further enacted*, That the sum of one hundred thousand dollars be, and the same is hereby appropriated, for the purpose of opening, grading, and making the Cumberland road, westwardly of Zanesville, in the State of Ohio; and that the sum of sixty thousand dollars be, and the same is hereby appropriated for the purpose of opening, grading, and bridging the Cumberland road, in the State of Indiana, commencing at Indianapolis, and progressing with the work to the eastern and western boundaries of said State; and that the sum of forty thousand dollars be, and the same is hereby appropriated for the purpose of opening, grading, and bridging the Cumberland road, in the State of Illinois; which said sums shall be paid out of any money not otherwise appropriated, and replaced out of the fund reserved for laying out and making roads, under the direction of Congress, by the several acts passed for the admission of the States of Ohio, Indiana, Illinois, and Missouri, into the Union, on an equal footing with the original States.

Sec. 3. *And be it further enacted*, That for the immediate accomplishment of these objects, the superintendents heretofore appointed, or hereafter to be appointed, in the States of Ohio, Indiana, and Illinois, shall, under the direction of the President of the United States, faithfully execute the work and disburse the money, giving bond and security as he shall direct, and receiving such

compensation as in his opinion shall be equitable and just, not exceeding to each that heretofore allowed by law to the superintendent of the Cumberland road, in the State of Ohio.

Sec. 4. *And be it further enacted*, That the sum of fifteen thousand dollars be, and the same is hereby granted, for claims due and remaining unpaid at the Treasury, on account of the Cumberland road, east of Wheeling, to be paid out of any money in the Treasury not otherwise appropriated.

I approve this bill, and ask a reference to my communication to Congress of this date, in relation thereto.

May 31, 1830.

ANDREW JACKSON.

AN ACT to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal West of the river Mississippi.

Be it enacted, &c. That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any States, or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of Districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said Districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the President to exchange any or all of such districts, so as to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the States or Territories, and with which the United States have existing treaties, for the whole or any part or portion of the Territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the States or Territories where the land claimed and occupied by the Indians is owned by the United States, or the United States are bound to the State within which it lies to extinguish the Indian claim thereto.

Sec. 3. *And be it further enacted*, That, in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it that the United States will cause a patent of grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct, or abandon the same.

Sec. 4. *And be it further enacted*, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by an individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements to be valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

Sec. 5. *And be it further enacted*, That, upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for the President to cause such tribe or nation to be protected at their new residence against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

Sec. 7. *And be it further enacted*, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided*, That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

Sec. 8. *And be it further enacted*, That, for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved: May 28, 1830.

AN ACT for the relief of sundry owners of vessels sunk for the defence of Baltimore.

Be it enacted, &c. That the Third Auditor of the Treasury ascertain the value of the following vessels, at the time they were taken to be sunk for the defence of the City of Baltimore, in the year one thousand eight hundred and fourteen, to wit: The ships Thomas Wilson, Chesapeake, Adriana, Scioto, Temperance, Fabius, India Packet, Mars, and Nancy; brigs Aid, George, Swallow, Blanche, Sally, Eliza, Betsey, Father and Son, and Ann; schooners Scudder, Ann, Columbia, Enterprise, and Packet; and the sloop Rosanna; and to allow to the owners, respectively, the amount of twenty-five per centum on said valuation: *Provided*, That, in each and every case, the said valuation shall be duly established by full and competent disinterested testimony, and that the damages sustained in the vessels in question, by being sunk and raised exclusively, was to the full extent of the said per centum over and above all the amount or amounts heretofore received for said damages by said owners, or their legal representatives, respectively: *And provided also*, That the said vessels, at the time they were taken, were sound and seaworthy, and would have remained seaworthy at the return of peace, in one thousand eight hundred and fifteen: *And provided also*, That, in no instance where any vessel is not proved to have been seaworthy at the time she was taken to be sunk, shall a greater allowance be made than will, with the money heretofore received for damage and detention of such vessel, and the value thereof at the time she was raised, with such rigging or other articles as have been sold or reserved by the proper owner, amount to the value of the vessel at the time she was taken to be sunk.

Sec. 2. *And be it further enacted*, That the amount so found by the Third Auditor shall be paid to the owners respectively, or to their legal representatives, by the Secretary of the Treasury, out of any money, not otherwise appropriated, or be applied on debts due by them to the United States, as the case may be.

Approved: May 29, 1830.

AN ACT to authorize the payment of the claim of the State of Massachusetts for certain services of her Militia during the late war.

Be it enacted, &c. That the proper accounting officers of the Treasury, under the superintendence of the Secretary of War, be, and they are hereby, authorized and directed to audit and settle the claims of the State of Massachusetts against the United States, for the services of her Militia during the late war, in the following cases: First, where the Militia of the said State were called out to repel actual invasion, or under a well founded apprehension of invasion: *Provided*, Their numbers were not in undue proportion to the exigency: Second, where they were called out by the authority of the State, and afterwards recognized by the Federal Government; and thirdly, where they were called by, and served under, the requisition of the President of the United States, or of any officer thereof.

Sec. 2. *And be it further enacted*, That the sum of four hundred and thirty thousand seven hundred and forty-eight dollars and twenty six cents, if so much be necessary, be applied to the foregoing purposes, out of any moneys in the Treasury not otherwise appropriated.

Approved: May 31, 1830.

AN ACT making additional appropriations for pay of the Marine Corps.

Be it enacted, &c. That there is hereby appropriated, out of any money in the Treasury, not otherwise appropriated, a sum sufficient to pay the extra emoluments directed to be paid to the officers of the Marine Corps by a joint resolution, approved the twenty-ninth day of May, one thousand eight hundred and thirty.

Approved: May 31, 1830.

RESOLUTION in relation to the compensation of officers of the Marine Corps.

Resolved, &c. That the pay, subsistence, emoluments, and allowances received by the officers of the Marine Corps, previous to the first of April, eighteen hundred and twenty-nine, be, and the same is hereby, directed to be continued to them from that date up to the twenty-eighth of February, one thousand eight hundred and thirty-one.

Approved: May 29, 1830.

AN ACT for the relief of James Smith.

Be it enacted, &c. That the Secretary of the Treasury pay to James Smith, out of any money, not otherwise appropriated, the sum of eighty dollars, for the loss of a horse which Capt. Robert Brackenridge impressed into the service of the United States, in the year one thousand eight hundred and fourteen, the property of said Smith.

Approved, May 28, 1830.

AN ACT for the relief of Thomas Wheatley.

Be it enacted, &c. That the Secretary of the Treasury pay to Thomas Wheatley, out of any money in the Treasury, not otherwise appropriated, the sum of forty-five dollars, the value of a horse that died in the military service of the United States, in one thousand eight hundred and twelve, for the want of forage.

Approved: May 28, 1830.

AN ACT for the relief of Henry Williams.

Be it enacted, &c. That the Secretary of the Treasury pay to Henry Williams, out of any money, not otherwise appropriated, the sum of one hundred and twenty dollars, the value of two horses which died in the service of the United States, in the year eighteen hundred and thirteen, for the want of forage, in the campaign against the Creek Indians, the property of said Williams.

Approved: May 28, 1830.

AN ACT for the relief of James Barnett.

Be it enacted, &c. That the proper accounting officers of the Treasury be, and they are hereby required to settle the account of James Barnett, a Lieutenant of Infantry in the Continental line in the Revolutionary war, and to allow to him five years full pay for his services in said war as a Lieutenant as aforesaid, it being the commutation for his half pay for life; and that it be paid out of any money in the Treasury, not otherwise appropriated.

Approved: May 28, 1830.

AN ACT for the relief of Joseph Shaw.

Be it enacted, &c. That the Secretary of War be, and he hereby is, directed to cause Joseph Shaw, a Revolutionary Pensioner of the United States, to be paid at the rate of eight dollars per month, from the tenth day of April, one thousand eight hundred and eighteen, (the date of his first declaration under the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," approved the eighteenth of March, one thousand eight hundred and eighteen,) up to the eleventh day of October, one thousand eight hundred and twenty-seven, the day on which his pension was allowed to commence under the regulations of the Department of War.

Approved: May 28, 1830.

AN ACT for the relief of the heirs of Baptiste Le Gendre.

Be it enacted, &c. That the heirs of Baptiste Le Gendre be, and they are hereby, confirmed in their claim to six arpents of land in front, by forty in depth, situated on the river Mississippi, in the parish of West Baton Rouge, and bounded above by lands of Jean Baptiste Tuillier, and below by land of Ivon Le Gendre; and the Commissioner of the General Land Office, upon being presented with a plat and survey of the said land, regularly made by competent authority, shall issue to the petitioners a patent therefor: *Provided*, That this act shall amount only to a relinquishment on the part of the United States, and shall, in no manner, affect the rights of third persons, or claims derived from the U. States by donation or purchase.

Approved: May 28, 1830.

AN ACT for the relief of Francois Isidore Tuillier.

Be it enacted, &c. That Francois Isidore Tuillier be, and he is hereby, confirmed in his claim to a tract of land of six arpents in front, by forty in depth, situated on the river Mississippi, in the parish of West Baton Rouge, and State of Louisiana, bounded above by lands of Joseph Grand, and below by lands of J. Charles Tuillier, and containing two hundred and forty superficial arpents equal to two hundred and two acres and forty-two one hundredths; and that the Commissioner of the General Land Office, upon the presentation of a plat and survey of the same, regularly made by competent authority, shall issue a patent therefor, to the said Francois Isidore Tuillier: *Provided*, That this act shall amount only to a relinquishment on the part of the United States, and shall not affect, in any manner, the rights of third persons, or claims derived from the United States by donation or purchase.

Approved: May 28, 1830.

AN ACT for the relief of Peter Gasney.

Be it enacted, &c. That the Secretary of the Treasury pay out of any money in the Treasury, not otherwise appropriated, the sum of fifty dollars, to Peter Gasney, a mounted volunteer soldier in the campaign under Gov. Shelby, in the year one thousand eight hundred and thirteen, for the loss of his horse, in consequence of his having been dismounted and separated from him.

Approved: May 28, 1830.

AN ACT for the relief of John Cooper, William Saunders and William R. Porter.

Be it enacted, &c. That a judgment obtained by the United States against John Cooper, William Saunders, and William R. Porter, in the Circuit Court of the United States for the fifth Circuit and Virginia district, on the fifth day of April, in the year one thousand eight hundred and twenty-four, for the sum of five thousand and thirty dollars and seventy-one cents, with interest

from the twentieth day of March, in the year one thousand eight hundred and sixteen, be henceforth held, and taken to have been, and to be, a security only for the payment, to the United States, of the sum of nine hundred and fifty-four dollars and eighty-three cents, with interest thereon from the first day of January, one thousand eight hundred and nineteen, and the costs of said judgment; and, also, as security for all such sums of money as may rightfully, hereafter, be paid at the Treasury, in discharge of balances due the fourth regiment of Virginia militia, to pay which the funds were placed in the hands of William Estes, paymaster to that regiment, and for whose default the judgment aforesaid was rendered against the defendants as his sureties.

Sec. 2. And be it further enacted, That, whensoever any payment or payments shall hereafter be made by the Treasury Department which ought to have been made by the said William Estes, out of the money placed in his hands for the payment of balances due the fourth regiment Virginia militia, of which he was paymaster, that the United States shall and may, from time to time, have writs of scire facias, on the judgment aforesaid, against the defendants, their executors, or administrators, to have execution for the sums so paid, with interest from the times of payment until the whole amount of said judgment shall be levied and paid.

Sec. 3. And be it further enacted, That, whatever demand of payment shall hereafter be made at the Treasury Department, by any of those who were entitled to be paid out of the funds so held by William Estes, payment of such demand shall be suspended, until notice thereof be given to the defendants, or such of them as may afterwards be proceeded against, and time allowed to investigate the justice of the claim at the said Department, and not elsewhere.

Approved: May 28, 1830.

AN ACT for the relief of Judah Alden.

Be it enacted, &c. That the Secretary of War be, and he is hereby authorized and directed, to issue a duplicate military bounty land warrant to Judah Alden, a Captain in the second Massachusetts regiment, in the army of the Revolution, for three hundred acres of land; the original warrant, number twelve, having been lost or mislaid.

Approved: May 28, 1830.

AN ACT for the relief of the heirs or legal representatives of Joseph Falconer, deceased.

Be it enacted, &c. That the proper accounting officers of the Treasury Department be authorized to audit and settle the claim of Joseph Falconer, an officer of the Revolution, formerly of Philadelphia, deceased, on account of two several loan office certificates, issued April twenty-first, one thousand seven hundred and seventy-eight, to and in the name of John Cox; namely, one for the sum of one thousand dollars, and numbered thirty-five, and one for the sum of six hundred dollars, and numbered two thousand nine hundred and ninety-seven; and to ascertain the true specie value of the same, exclusive of interest, which certificates are alleged to have been lost, and appear by the books of the Treasury to be outstanding and unpaid, and that the amount so ascertained as aforesaid, be paid to the heirs or legal representatives of the said Joseph Falconer, or either of them, duly authorised and empowered to receive the same, out of any money in the Treasury not otherwise appropriated: *Provided*, That the person or persons receiving the amount aforesaid, shall first execute, and deliver to the Comptroller of the Treasury, a bond of indemnity in double the amount of the sum to be paid, with sufficient security, as the said Comptroller shall direct and approve.

Approved: May 28, 1830.

AN ACT for the relief of Wilkins Tannehill.

Be it enacted, &c. That the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to Wilkins Tannehill, the sum of four hundred and twenty-one dollars and twenty cents, the amount of two accounts, one in favor of Erasmus Chapman, and the other in favor of Robert H. Boon, for services performed for the United States, during the late war, with their teams and wagons, of which the said Tannehill is the owner by assignment.

Approved : May 28, 1830.

AN ACT for the relief of John H. Wendal, a Captain in the Revolutionary War.

Be it enacted, &c. That the Secretary of War be, and he is hereby, authorized and required to place the name of John H. Wendal upon the list of Revolutionary pensioners, and to pay him at the rate of forty dollars a month, during his natural life.

Approved, May 28, 1830.

AN ACT for the relief of the legal representatives of James Davenport, deceased.

Be it enacted, &c. That the proper accounting officer of the Treasury be, and he is hereby, authorized and required to pay to the legal representatives of James Davenport, deceased, late an invalid pensioner of the U. States, out of any money in the Treasury not otherwise appropriated, the pension allowed to the said James Davenport, from the fourth of September, eighteen hundred and eighteen, when he received his last payment, until the time of his death.

Approved : May 28, 1830.

AN ACT for the relief of the heirs of Jean Marie Trahaud, deceased.

Be it enacted, &c. That the heirs of Jean Marie Trahaud, deceased, be, and the same are hereby, confirmed in their claim to six arpents front by forty in depth, on the river Mississippi, in the parish of West Baton Rouge, bounded above by Joseph Tuillier, and below by lands of Baptiste Guedry. The same to be located agreeably to a plat of survey made by Ephraim Davidson, by order of the Surveyor of the lands of the United States, on the ninth day of March, one thousand eight hundred and six; and the Commissioner of the General Land Office upon a survey of the same as aforesaid, duly executed by competent authority, shall issue a patent therefor : *Provided*, That this act shall only amount to a relinquishment of the right of the United States, and shall, in no manner, affect the rights of third persons, or claims derived from the United States by purchase or donation.

Approved : May 28, 1830.

AN ACT for the relief of Michael Lewis.

Be it enacted, &c. That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Michael Lewis, or his legal representatives, out of any money in the Treasury, not otherwise appropriated, the sum of three hundred and eighty dollars, as a compensation in full for his services as pilot on board the U. States schooner Vixen, in the year one thousand eight hundred and thirteen, and subsequent detention as a prisoner of war.

Approved : May 28, 1830.

AN ACT for the relief of Alexander Fridge.

Be it enacted, &c. That Alexander Fridge be, and he is hereby, confirmed in his claim to six hundred and forty acres of land, on which he now resides, in the parish of East Baton Rouge, in the State of Louisiana, as a donation; and the Commissioner of the General Land Office, upon the presentation of a plat and survey of said land,

regularly made by competent authority, shall issue a patent therefor : *Provided*, That this act shall amount only to a relinquishment on the part of the United States, and shall, in no manner, affect the rights of third persons, or any claim derived from the United States, either by donation or purchase.

Approved : May 28, 1830.

AN ACT to confirm certain claims to lands in the District of Jackson Court House, in the State of Mississippi.

Be it enacted, &c. That all the claims to lands reported by the Register and Receiver of the Land Office for the District of Jackson Court House, in the State of Mississippi, under the provisions of the act of Congress, approved on the twenty-fourth day of May, one thousand eight hundred and twenty-eight, entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Mississippi," as founded on any order of survey, requette, permission to settle, or other written evidence of claim derived from the Spanish authorities, which ought, in the opinion of the said Register and Receiver, to be confirmed, and which, by the said reports, appear to be derived from the Spanish Government prior to the twentieth of December, one thousand eight hundred and three, and the land claimed to have been cultivated and inhabited on or before that day, shall be confirmed in the same manner as if the title had been completed : *Provided*, That, in all such claims, where the plat and certificate of survey, made prior to the fifteenth day of April, one thousand eight hundred and thirteen, under the authority of the Spanish Government, in pursuance of such claim, has not been filed with the said Register and Receiver, such claim shall not be confirmed to any one person for more than twelve hundred and eighty acres; and that for all the other claims comprised in the reports as aforesaid, and which ought, in the opinion of the Register and Receiver, to be confirmed, the claimant to such land shall be entitled to a grant therefor, as a donation, not to exceed twelve hundred and eighty acres to any one person : *And provided also*, That the claim of the representatives of Louis Boisdore, numbered four, in report numbered three, shall not be confirmed to more than twelve hundred and eighty acres; and all the confirmations of the said incomplete titles and grants of donations, hereby provided to be made, shall amount only to a relinquishment forever, on the part of the United States, of any claim whatever to the tract of land so confirmed or granted, without prejudice to the interests of third persons.

Sec. 2. And be it further enacted, That every person, or his or her legal representatives, whose claim is embraced by the said Register and Receiver, in their reports, numbers five, six, and seven, of actual settlers, or their legal representatives, not having any written evidence of claim, shall, where it appears by the said reports that the land claimed or settled on had been actually inhabited and cultivated by such person, or persons, in whose right the same is claimed, on or before the fifteenth day of April, one thousand eight hundred and thirteen, be entitled to a grant for the land so claimed or settled on, as a donation : *Provided*, That not more than one tract shall be granted to any one person, and the same shall not exceed six hundred and forty acres, to include his or her improvements, and to be bounded by sectional or divisional lines; and that no lands shall be thus granted, which are claimed or recognized by the preceding section.

Sec. 3. And be it further enacted, That every person, or his or her legal representatives, comprised in the aforesaid reports of actual settlers, not having any written evidence of claim, who, on the third day of March, one thousand eight hundred and nineteen, did, as appears by those reports, actually inhabit and cultivate a tract of

land in said district, not claimed under any written evidence of title legally derived from the French, British, or Spanish Governments, or granted as a donation, shall be entitled to become the purchaser of the quarter section, or two-eighths of any section on which the improvements may be, and including the same, at the same price for which other public lands are sold at private sale: *Provided*, That the same shall be entered with the Register of the Land Office, within the term of two years, or before, if the same shall be offered at public sale: *And provided, also*, That, where any such person is settled on, and has improved any school lands, in said district, such person shall be governed by the provisions of the fourth section of the act, approved on the twenty-second day of April, one thousand eight hundred and twenty-six, entitled "An act giving the right of pre-emption, in the purchase of lands, to certain settlers in the States of Alabama, Mississippi, and Territory of Florida."

Sec. 4. *And be it further enacted*, That the Register and Receiver of the said district shall possess the same powers, and perform the same duties, in relation to the claims confirmed by this act, as are given to, and required of, them, by the act of Congress of the eighth of May, one thousand eight hundred and twenty-two, entitled "An act, supplementary to the several acts for adjusting the claims and titles to lands, and establishing Land Offices, in the district East of the Island of New Orleans."

Approved: May 28, 1830.

AN ACT increasing the Terms of the Judicial Courts of the United States for the Southern District of New York, and adding to the compensation of several District Judges of the United States.

Be it enacted, &c. That, hereafter, there shall be held, monthly, in the city of New York, a Session of the District Court of the United States for the Southern District of New York, to commence on the first Tuesday of each month, and be held in the manner now provided by law for holding the stated terms of the said Court.

Sec. 2. *And be it further enacted*, That, hereafter, there shall be held, annually, in the city of New York, two additional Sessions of the Circuit Court of the U. States, for the said district, for the trial of criminal causes, and suits in equity, to commence on the last Monday in February, and the last Monday of July: *And further*, That the said Court may, at its discretion, direct Special Sessions thereof to be held in the said city, for the trial of criminal causes or suits in equity: which said additional and special sessions may be held by the said District Judge alone.

Sec. 3. *And be it further enacted*, That, hereafter, the District Judge for the Southern District of New York shall reside in the city of New York; and there shall be allowed the said Judge the yearly compensation of thirty five hundred dollars, to be paid at the Treasury of the United States, in quarterly payments; to the Judge of the Northern District of New York the sum of two thousand dollars, and to the Judge for the District of Connecticut one thousand five hundred dollars.

Sec. 4. *And be it further enacted*, That, hereafter, there shall be allowed the District Judges of the United States for the Districts of Massachusetts, South Carolina, Georgia, Alabama, and the Eastern District of Pennsylvania, each, the yearly compensation of two thousand five hundred dollars; and to the District Judges of the following Districts, respectively, the yearly compensation following: to the District Judge of North Carolina two thousand dollars, of Maine one thousand eight hundred dollars, of Rhode Island one thousand five hundred dollars, of Delaware one thousand five hundred dollars, of Maryland two thousand dollars, of New Jersey one thousand five hundred dollars, of Vermont one thousand two hun-

dred dollars, and of the Western District of Pennsylvania one thousand eight hundred dollars; to be paid at the Treasury of the United States, in quarterly payments.

Approved: May 29, 1830.

AN ACT for the relief of John Moffitt.

Be it enacted, &c. That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to settle and ascertain the value of a Continental Land Office certificate, number one hundred and four, issued in favor of John Moffitt, by the Commissioner of Loans of the State of South Carolina; and that the sum found to be due on the said certificate (exclusive of interest) be paid to the said Moffitt, out of any moneys in the Treasury, not otherwise appropriated.

Approved: May 28, 1830.

AN ACT for the relief of Alexander Montgomery, John H. Watts, and the administrators of John Wilson, deceased.

Be it enacted, &c. That John H. Watts, of the State of Alabama, be, and he is hereby, authorized to relinquish to the United States, in such manner as the Commissioner of the General Land Office may prescribe, the patent heretofore issued in his favor, for East half of the Northeast quarter of section twenty-one, in township ten, of range twelve, in the Cahaba district; and, upon the execution of such relinquishment, the moneys heretofore paid upon the said East half of the Northeast quarter, shall be applied to the payment of the West half of the same quarter, and the said Commissioner shall cause a patent to be granted therefor.

Sec. 2. *And be it further enacted*, That, whenever Alexander Montgomery, of the State of Ohio, shall produce to the Commissioner of the General Land Office, satisfactory evidence that he has paid to the United States the sum of one hundred and fifty-four dollars and seventy-seven cents, on account of the Southwest quarter of section twenty, in township seventeen, of range eighteen, in the Chillicothe Land district, the said Commissioner be, and he is hereby, authorized to cause a patent to be issued for the same, in favor of the said Alexander Montgomery.

Sec. 3. *And be it further enacted*, That the administrator and administratrix of the estate of John Wilson, of Ohio, be, and they are hereby, authorized to relinquish to the United States, the West half of Southwest quarter of section thirteen, in township seven, of range twelve, in the Chillicothe Land District, and apply the amount heretofore paid thereon towards the payment of the East half of the same quarter; and upon payment in full being made for the said East half in cash, at a discount of thirty-seven and a half per cent. the Commissioner of the General Land Office shall cause a patent to be issued for that tract.

Approved: May 28, 1830.

AN ACT for the relief of William Tipton.

Be it enacted, &c. That the proper accounting officer of the Treasury Department be, and he is hereby, authorized and required to pay to William Tipton, the sum of one thousand one hundred and forty dollars, out of any money in the Treasury not otherwise appropriated; that sum being the amount of the arrears of pension due him from the United States, as an invalid pensioner, from the first day of January, one thousand seven hundred and eighty-four, at which time the payment of his pension ceased, until the first day of January, one thousand eight hundred and three, when he was restored to the pension roll.

Approved: May 28, 1830.

AN ACT for the relief of General Simon Kenton.

Be it enacted, &c. That the Secretary of War be, and he is hereby, authorized and required to place General Simon Kenton upon the list of Revolutionary pensioners, and to pay him at the rate of twenty dollars a month, to commence on the first day of January, one thousand eight hundred and twenty-nine.

Sec. 2. And be it further enacted, That the pension aforesaid shall be paid out of any money in the Treasury not otherwise appropriated, in the same manner that other pensions are now paid.

Approved : May 28, 1830.

AN ACT for the relief of Alexander Claxton.

Be it enacted, &c. That it shall be the duty of the Secretary of the Navy, to pay to the person or persons who may be legally entitled to receive the same, or who may have legally paid the same, the taxable costs decreed to be paid by Alexander Claxton, a Master Commandant in the Navy of the United States, in the suit prosecuted by him against the English merchant ship James Mitchell, in the Superior Court of the District of East Florida ; and that a sum, not exceeding five thousand two hundred and sixty-four dollars and ninety-eight cents be, and the same hereby is appropriated for the purpose aforesaid, out of any money in the Treasury not otherwise appropriated.

Sec. 2. And be it further enacted, That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to audit and allow the accounts of the said Alexander Claxton, for his reasonable expenses, incurred by him in and about the prosecution of his claim for salvage against the English merchant ship James Mitchell, in the Superior Court of the District of East Florida, so as that said expenses shall not exceed eight hundred and seventy-two dollars and seventy-five cents ; and that the amount of the said expenses, when ascertained, be paid to the said Alexander Claxton, out of any money in the Treasury not otherwise appropriated.

Approved : May 28, 1830.

AN ACT for the relief of Jacob Wilderman.

Be it enacted, &c. That the proper accounting officers of the Treasury Department cause to be paid to Jacob Wilderman, of the State of Illinois, the sum of two hundred and forty dollars, out of any money in the Treasury not otherwise appropriated, in full for the balance of his pay as a Mounted Ranger, in the Company of Captain Short, from the sixteenth day of May, one thousand eight hundred and fourteen, to the fifteenth day of May, one thousand eight hundred and fifteen.

Approved, May 28, 1830.

AN ACT for the relief of the heirs of John Tuillier, deceased.

Be it enacted, &c. That the heirs of John Tuillier, deceased, be, and they are hereby, confirmed in their claim to a tract of land situated on the West bank of the river Mississippi, in the parish of West Baton Rouge, containing six arpents in front by forty in depth, and bounded above by lands of Francois I. Tuillier, and below by lands of Joseph Trahan ; said tract of land to be located according to a plat of survey made by Ephraim Davidson, on the sixth day of March, one thousand eight hundred and six ; and the Commissioner of the General Land Office is hereby required, upon the presentation and return of a survey of said land, so made by competent authority, to issue a patent therefor : *Provided,* That this act shall amount only to a relinquishment on the part of the United States, and shall in no manner affect the rights of third persons, or claims derived from the United States by purchase or donation.

Approved : May 28, 1830.

AN ACT for the relief of Stephen Olney.

Be it enacted, &c. That the benefits of the provisions of the act, entitled "An act for the relief of certain surviving officers and soldiers of the Army of the Revolution," passed May the fifteenth, one thousand eight hundred and twenty-eight, be extended to Stephen Olney, of Rhode Island, a captain in the Army of the Revolution, and that he be paid and accounted with in the same manner as if he had already, at any time heretofore, since the passage of said act, complied with all the requisitions of the fourth section thereof; to be paid out of any money in the Treasury not otherwise appropriated.

Approved : May 28, 1830.

AN ACT for the relief of Wallace Robinson.

Be it enacted, &c. That Wallace Robinson be, and he is hereby authorized to surrender to the Register of the Land Office at St. Stephen's, Alabama, the patent which issued to him on the twentieth day of October, one thousand eight hundred and twenty-three, for the west half of the southwest quarter of section twenty-nine, in township seventeen, of range one east, in the district east of Pearl river, in said State ; and that the said Wallace Robinson be authorized, in lieu thereof, to enter with said Register the west half of the southwest quarter of section twenty-nine, in township seventeen, of range two east, in the same district, for which a patent shall issue : *Provided,* That the said last named half quarter section shall remain unsold and unappropriated, and that the said Wallace Robinson shall, at the time of surrendering said patent for the first named half-quarter section, file therewith a release of all title to the same.

Approved : May 28, 1830.

AN ACT for the relief of Ann Brashears, of Mississippi.

Be it enacted, &c. That upon a return of a plat and certificate of survey, legally made, to the General Land Office, a patent shall be issued to Ann Brashears, for four hundred and eighty arpents of land, in the county of Claiborne and State of Mississippi, on the north side of the north fork of Bayou Pierre, being the residue of a tract of eight hundred arpents surveyed for her under the Spanish Government, by one William Thomas, then Deputy Surveyor for William Vausdan, Surveyor, after deducting therefrom the quantity of three hundred and twenty arpents, which has been confirmed to one Richard Sparks ; which survey of eight hundred arpents included the place called the White Lick Ground, and a camp near the centre thereof, in which one Benjamin Foy once resided ; *Provided,* however, that such patent shall convey such title only as the United States now may have to it, and shall not include any land to which any other person has a legal title ; and shall not be issued until satisfactory evidence be laid before the Commissioner of the General Land Office, that it does not include any land to which any other person sets up a legal title.

Approved : May 28, 1830.

AN ACT for the relief of Vincent de Rivafinoli, and others.

Be it enacted, &c. That the Secretary of State be, and he is hereby, authorized and required to issue letters patent, in the usual form, to Vincent de Rivafinoli, for himself, and as attorney in fact for Charles Harsleben and William Davis, of the kingdom of Great Britain, as joint inventors of a machine for facilitating the washing of ores and alluvial soils, and the extraction of metallic substances and precious stones from ores, earth, sand, or other matter in which they may be found, upon his making oath that he verily believes that he, and the said Charles Harsleben and William Davis, are the true joint inventors and discoverers of the said machine, and upon his complying with all the provisions of the several acts

of Congress relative to the issuing of letters patent for inventions and improvements, except so far as the said acts require, on the part of aliens, a residence of two years in the United States.

Approved: May 28, 1830.

AN ACT for the relief of Abraham Brownson.

Be it enacted, &c. That the provisions of the act, entitled "An act for the relief of certain surviving officers and soldiers of the army of the Revolution," approved fifteenth May, one thousand eight hundred and twenty-eight, be, and they are hereby, declared to be, applicable to the case of Abraham Brownson, who enlisted in the regiment commanded by Colonel Seth Warner, in the Revolutionary war; and that the Secretary of the Treasury be, and he is hereby, directed to extend the benefit of the said act to him, any thing contained in the same to the contrary notwithstanding.

Approved: May 28, 1830.

AN ACT for the more effectual collection of the impost duties.

Be it enacted, &c. That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional appraiser of merchandise for the port of New York, who shall take a similar oath, and have like power and compensation, and perform the same duties, with the appraisers now authorised by law to be appointed at that place.

Sec. 2. And be it further enacted, That the Secretary of the Treasury may appoint, not exceeding four assistant appraisers in New York, two in Philadelphia, and two in Boston, who shall be practically acquainted with the quality and value of some one or more of the chief articles of importation, subject to appraisement, to be employed in appraising goods in such manner as shall be directed by the Secretary of the Treasury; and who shall take and subscribe an oath diligently and faithfully to examine and inspect such goods, wares, or merchandise, as the principal appraisers may direct, and truly to report to them, to the best of their knowledge and belief, the true value thereof, according to law; whereupon the principal appraisers shall revise and correct the same as they may judge proper, and report to the collector their decision thereon; but, if the collector shall deem any appraisement of goods too low, he shall have power to order a re-appraisement, either by the principal appraisers, or by three merchants designated by him for that purpose, who shall be citizens of the United States, and cause the duties to be charged accordingly.

Sec. 3. And be it further enacted, That, from and after the thirtieth day of September next, whenever goods of which wool or cotton is a component part, of similar kind, but different quality, are found in the same package, if not imported from beyond the Cape of Good Hope, it shall be the duty of the appraisers to adopt the value of the best article contained in such package as the average value of the whole; and if the owner, importer, or consignee, or agent for any goods appraised, shall consider any appraisement made by the appraisers, or other persons designated by the collector, too high, he may apply to the collector, in writing, stating the reasons for his opinion, and having made oath that the said appraisement is higher than the actual cost and proper charges on which duty is to be charged, and also, that he verily believes it is higher than the current value of the said goods, including said charges, at the place of exportation, the collector shall designate one merchant, skilled in the value of such goods, and the owner, importer, consignee, or agent, may designate another, both of whom shall be citizens of the United States, who, if they cannot agree in an appraisement, may designate an umpire, who shall also be a citizen of the United States, and when

they, or a majority of them, shall have agreed, they shall report the result to the collector, and if their appraisements shall not agree with that of the United States' appraisers, the collector shall decide between them.

Sec. 4. And be it further enacted, That the collectors of the customs shall cause at least one package out of every invoice, and one package at least out of every twenty packages of each invoice, and a greater number should he deem it necessary, of goods imported into the respective districts, which package or packages he shall have first designated on the invoice, to be opened and examined, and if the same be found not to correspond with the invoice, or to be falsely charged in such invoice, the collector shall order, forthwith, all the goods contained in the same entry to be inspected; and if such goods be subject to ad valorem duty, the same shall be appraised, and if any package shall be found to contain any article not described in the invoice, or if such package or invoice be made up with intent, by a false valuation, or extension or otherwise, to evade or defraud the revenue, the same shall be forfeited, and the fifteenth section of the "act supplementary to an act to amend an act entitled 'an act to regulate the collection of duties on imports and tonnage, passed second March, one thousand seven hundred and ninety-nine, and for other purposes,'" passed first March, one thousand eight hundred and twenty-three; and also so much of any act of Congress as imposes an additional duty or penalty of fifty per centum on duties upon any goods which may be appraised at twenty-five per centum, or ten per centum, above their invoice price, is hereby repealed; and no goods liable to be inspected or appraised as aforesaid, shall be delivered from the custody of the officers of the customs, until the same shall have been inspected or appraised, or until the packages sent to be inspected or appraised, shall be found correctly and fairly invoiced and put up, and so reported to the collector. *Provided,* That the collector may, at the request of the owner, importer, consignee, or agent, take bonds, with approved security, in double the estimated value of such goods, conditioned that they shall be delivered to the order of the collector, at any time within ten days after the package or packages, sent to the public stores shall have been appraised and reported to the collector. And if, in the mean time, any of the said packages shall be opened, without the consent of the collector or surveyor, given in writing, and then in the presence of one of the inspectors of the customs, or if the said package or packages shall not be delivered to the order of the collector, according to the condition of the said bond, the bond shall, in either case, be forfeited.

Sec. 5. And be it further enacted, That it shall be the duty of the collector to cause all goods entered for re-exportation, with the right of drawback, to be inspected, and the articles thereof compared with their respective invoices, before a permit shall be given for landing the same; and where the goods so entered shall be found not to agree with the entry, they shall be forfeited; and every importer, owner, consignee, agent, or exporter, who shall enter goods for importation, or for exportation, or transportation from one port or place to another, with the right of drawback, shall deposit with the collector the original invoice of such goods, if not before deposited with the collector, and in that case an authenticated invoice thereof, to be filed and preserved by him in the archives of the custom house, which shall be signed by such importer, owner, consignee, agent, or exporter, and the oath to be made on the entry of such goods as shall be annexed thereto.

Sec. 6. And be it further enacted, That the Assistant Appraisers at New York shall receive a compensation of fifteen hundred dollars per annum; and those at Boston and Philadelphia, a compensation of twelve hundred

dollars per annum, to be paid out of the proceeds of the customs; and the clerks, and all other persons, employed in the appraisers' office, shall be appointed by the principal appraisers, and their number and compensation limited and fixed by the Secretary of the Treasury.

Sec. 7. *And be it further enacted,* That all forfeitures incurred under this act, shall be sued for, recovered, and distributed, according to the provisions of the act, entitled "an act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine. *Provided,* That the appraisers and assistant appraisers, shall in no case, receive any proportion of such forfeiture. *And provided also,* That the Secretary of the Treasury shall be, and he is hereby, authorized to remit any such forfeiture whenever he is of opinion that no fraud on the revenue was intended.

Sec. 8. *And be it further enacted,* That whenever, in the opinion of the Secretary of the Treasury, it may be necessary to carry into full effect the laws for the collection of the revenue, he may authorize the collector of any district into which goods, wares, or merchandise, subject to duty, may be imported, to require the owner, importer, or consignee of such goods, wares, or merchandise, to give bond, in addition to the bond now required by law, in a sum not exceeding the value of such merchandise, that he will produce, or cause to be produced, within a reasonable time, to be fixed by the said Secretary such proof as the said Secretary may deem necessary, and as may be in the power of the said owner, importer, or consignee, to obtain, to enable the collector to ascertain the class or description of manufacture or rate of duty, to which such goods, wares, or merchandise, may be justly liable.

Sec. 9. *And be it further enacted,* That from and after the thirteenth day of September next, all iron, manufactured for rail roads, shall be liable to the same rate of duty which is now imposed on bar or bolt iron of similar manufacture; and that all scrap iron shall be liable to the same duty that is charged on iron in pigs. *Provided,* That when it shall be satisfactorily proved to the Secretary of the Treasury, that any of the said iron imported for the purpose of being applied in the construction of any rail road or inclined plane by any State, or incorporated company, has been actually, and permanently laid on any such rail road or inclined plane; that then, and in that case, he may allow to such State, or company, a drawback of the duty on such rail road iron so laid; or, if the duty upon the same shall have been actually paid, he may refund the same. *Provided,* such drawback or re-payment shall not reduce the duty to be paid on such iron below twenty-five per cent. ad valorem, nor upon any less quantity than twenty tons.

Approved, May 28, 1830.

AN ACT to authorize the Register and Receiver of the St. Helena land district in Louisiana, to receive evidence, and report upon certain claims to land mentioned therein.

Be it enacted, &c. That the Register and Receiver of the St. Helena land district, in the State of Louisiana, are hereby authorized and required to receive evidence in support of the claim of John McDonough to a tract of land on the Mississippi river, bounded above by the lands of John D. Bellevire, and below by lands of Madame A. Duplaint, and said to contain about fourteen arpents in front: also, one tract of land, situated on the river Amite, alleged to have been originally granted to Domingo Assaretto by Governor Miro, on the eighteenth February, one thousand seven hundred and eighty-eight, containing thirty arpents in front, by forty in depth, under whom the said McDonough claims title.

Sec. 2. *And be it further enacted,* That the said Register and Receiver shall have the same powers, and perform the same duties, in relation to the said two claims, as was authorized and required of them by the act of the third of March, one thousand eight hundred and nineteen; and shall report to the Commissioner of the General Land Office an abstract of the evidence furnished in each case, together with their opinion thereon, that the same may be laid before Congress at the commencement of their next session.

Approved, May 28, 1830.

AN ACT relative to the plan of Detroit, in Michigan Territory.

Be it enacted, &c. That the Governor and Judges of the Territory of Michigan, or any three of them, are required to make a report of the plan of laying out the town of Detroit, under, and by virtue of an act, entitled "an act to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes," passed the twenty-first April, one thousand eight hundred and six; one copy of which shall, on or before the first day of January next, be deposited and recorded in the office of the Secretary of the Territory of Michigan, and another copy transmitted to the Secretary of State of the United States, to be by him laid before Congress.

Approved, May 28, 1830.

AN ACT to repeal the proviso in "An act to authorize masters of vessels in certain cases to clear out either at the Custom House of Petersburg, or that of Richmond."

Be it enacted, &c. That the proviso of an act, passed May twenty-sixth, one thousand eight hundred and twenty-four, entitled "An act to authorize masters of vessels in certain cases to clear out either at the Custom House of Petersburg, or that of Richmond," be, and the same is hereby, repealed.

Approved: May 28, 1830.

AN ACT to repeal a part of an act, passed the twenty-sixth day of March, one thousand eight hundred and four, entitled "An act making provisions for the disposal of the public lands in the Indiana Territory, and for other purposes."

Be it enacted, &c. That so much of an act, approved the twenty-sixth day of March, in the year one thousand eight hundred and four, entitled "An act making provisions for the disposal of the public lands in the Indiana Territory, and for other purposes," as makes it the duty of the Secretary of the Treasury to cause, at least once every year, the books of the offices to be examined, and the balance of public moneys in the hands of the several Receivers of Public Moneys of the said offices to be ascertained, be and the same is hereby repealed.

Approved: May 28, 1830.

AN ACT for the relief of Captain John Woods.

Be it enacted, &c. That, instead of the reservation of six hundred and forty acres, heretofore surveyed in a square, and allowed to the said John Woods, a Cherokee Indian, in the county of Jackson, in the State of Alabama, the said John Woods be, and he is hereby, allowed to take his reservation, of the like quantity of six hundred and forty acres, in the county aforesaid, according to the following metes and bounds, to wit: Beginning at a large poplar, on the State line; thence, South fifteen degrees East, sixty poles, to a stake; thence, South forty-eight degrees East, twenty poles, to a stake; thence South twenty-seven degrees East, sixty-four poles to a sourwood; thence, South fifty degrees East, forty-eight poles to a dog-wood; thence, South sixty-seven degrees

East, two hundred and eighty-eight poles, to a white oak; thence, South seven degrees West fifty-two poles to a large white oak; thence, South forty-one degrees West fifty-five poles, to a large white oak; thence South twenty-four degrees East, twenty poles to a black walnut; thence, West two hundred and six poles, to a large white oak on the South side of the cove; thence, North fifty nine degrees West, one hundred and four poles, to a hickory; thence, North twelve degrees West, fifty poles, to a Spanish oak; thence, North thirty-one degrees West, thirty-nine poles, to a stake; thence, North eleven degrees West, eighteen poles, to an elm; thence North thirty degrees West, forty-two poles, to a white oak, thence, North forty-seven degrees West, thirty-six poles to a hamham; thence, North seventy-seven degrees West, fourteen poles to a stake above the head of a spring; thence, North forty degrees West, fifty-seven poles, to the edge of the West part of Box's cove, to a small beech; thence, West two hundred and fifteen poles, to a box elder; thence, North seventy poles, to a beech; thence, East one hundred and thirty poles, to a stake, North fifty degrees East, sixty poles, to a white oak at the foot of a rocky bluff; thence, East one hundred and sixty poles, to the beginning; *Provided*, that nothing contained in this act shall be construed to authorize the removal of any individual who may have settled upon, and may now occupy, any part of the land included within the metes and bounds aforesaid, without the consent of such occupant.

Approved: May 28, 1830.

AN ACT relating to the Orphans' Courts in the District of Columbia.

Be it enacted, &c. That, from and after the passage of this act, the Secretary of the Treasury pay to the Judge of the Orphans' Court of Alexandria county, in the District of Columbia, in quarterly payments, out of any unappropriated money in the Treasury, the sum of eight hundred dollars per annum, in lieu of all other compensation for his services as Judge of said Court.

Sec. 2. *And be it further enacted*, That, from and after the passage of this act, the Secretary of the Treasury pay to the Judge of the Orphans' Court of Washington county, in the District of Columbia, in quarterly payments, out of any unappropriated money in the Treasury, the sum of one thousand dollars per annum, in lieu of all other compensation for his services as Judge of said Court.

Approved: May 29, 1830.

AN ACT to vest in the State of Indiana certain lands within the limits of the canal grant.

Be it enacted, &c. That there be vested in the State of Indiana twenty-nine thousand five hundred and twenty-eight acres and seventy-eight-hundredths of the public lands, to be selected by the Canal Commissioners of said State, from the alternate sections reserved to the United States in the division made under "an act to grant a certain quantity of land to the State of Indiana, for the purpose of aiding said State in opening a canal to connect the waters of the Wabash river with those of Lake Erie," approved March second, one thousand eight hundred and twenty-seven, which shall be in lieu of the aforesaid quantity heretofore sold by the United States, permanently reserved by treaty to individuals, and located by individual grants before the division aforesaid, and which would otherwise have become the property of the said State in virtue of the act above referred to; the selections aforesaid to be made and reported by the Commissioners to the proper land offices, before the reserved sections aforesaid shall be offered for sale.

Approved: May 29, 1830.

AN ACT to protect the Surveyors of the Public Lands of the United States, and to punish persons guilty of interrupting and hindering, by force, Surveyors in the discharge of their duty.

Be it enacted, &c. That any person who shall hereafter, in any manner, by threats or force, interrupt, hinder, or prevent, the surveying of the public lands of the United States, or of any private land claim, which has, or may be confirmed by the United States, or the authority thereof, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land Office, or the principal Surveyors in any of the districts, in any State or Territory, shall be considered and adjudged to be guilty of a misdemeanor, and upon conviction in any District or Circuit Court of the United States, in any State or Territory, having jurisdiction of the same, shall be fined a sum not less than fifty dollars, nor more than three thousand dollars, and be imprisoned for a period of time not less than one nor more than three years.

Sec. 2. *And be it further enacted*, That, whenever the President of the United States shall be satisfied that forcible opposition has been offered, or will likely be offered, to any Surveyor or Deputy Surveyor, or Assistant Surveyor, in the discharge of his or their duties, in surveying the public lands of the United States, it shall and may be lawful for the President to order the Marshal of the State or District, by himself or deputy, to attend such Surveyor, Deputy, or Assistant Surveyor, with sufficient force to protect such officer in the execution of his duty as Surveyor, to remove force should any be offered.

Approved: May 29, 1830.

AN ACT to alter and amend the sixty-fifth article of the first section of an act, entitled "An act for establishing rules and articles for the government of the Armies of the United States," passed the tenth of April, one thousand eight hundred and six.

Be it enacted, &c. That, whenever a General officer commanding an army, or a Colonel commanding a separate department, shall be the accuser or prosecutor of any officer in the Army of the United States, under his command, the General Court Martial for the trial of such officer, shall be appointed by the President of the United States.

Sec. 2. *And be it further enacted*, That the proceedings and sentence of the said Court shall be sent directly to the Secretary of War, to be by him laid before the President for his confirmation or approval, or orders in the case.

Sec. 3. *And be it further enacted*, That so much of the sixty-fifth article of the first section of "An act for establishing rules and articles for the government of the Armies of the United States," passed on the tenth of April, eighteen hundred and six, as is repugnant hereto, be, and the same is hereby repealed.

Approved: May 29, 1830.

AN ACT to authorize the selection of certain school lands in the Territory of Arkansas.

Be it enacted, &c. That wherever the sixteenth sections in said Territory, either in whole, or in part, are now, or may hereafter be, included in private claims, held by titles confirmed, or legally decided to be valid and sufficient, other lands equivalent thereto and most convenient to the same, may be selected in lieu thereof, under the direction of the Secretary of the Treasury; and the lands so selected shall be entered in the office of the Register of the land district in which they may lie, and be, by such Register, reported to the Commissioner of the General Land Office, as school lands selected under this act: *Provided*, That, before making any entry of such other lands, the case shall be made out to the sa-

tisfaction of the Register and Receiver of the said district, agreeably to rules to be prescribed by the Commissioner of the General Land Office for that purpose, shewing that the sixteenth section, or a part thereof, has been included in the manner above-mentioned.

Approved: May 29, 1830.

AN ACT granting pensions to Samuel H. Phillips, Cord Hazard, and John M'Creary, and to increase the pension of George W. Howard.

Be it enacted, &c. That the Secretary of War be, and he is hereby directed to place the following named persons on the list of invalid pensioners of the United States, who shall be entitled to and receive pensions according to the rates, and commencing at the times hereinafter mentioned, that is to say:

Cord Hazard, at the rate of twenty dollars per month, to commence on the first day of January, one thousand eight hundred and twenty-nine;

Samuel H. Phillips, at the rate of twenty dollars per month, to commence from the first day of January, one thousand eight hundred and thirty;

John M'Creary, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and twenty-nine.

George W. Howard, who has been heretofore placed on the invalid pension list, to receive, hereafter, the sum of fourteen dollars per month, to commence on the first day of January, one thousand eight hundred and thirty.

Sec. 2. *And be it further enacted,* That the pensions above granted shall be continued to the persons respectively, during their respective lives; and that it shall not be necessary for them to produce an affidavit of continued disability.

Approved: May 29, 1830.

AN ACT for the relief of Thomas Blackwell.

Be it enacted, &c. That the proper accounting officers of the Treasury be, and they hereby are, authorized and required to settle and adjust the account of Thomas Blackwell, a Captain of the Army of the Revolution, and allow to him five years' full pay; which five years' full pay is the commutation of his half pay for life; to be paid out of any money in the Treasury not otherwise appropriated.

Approved: May 29, 1830.

AN ACT for the relief of the owners of the ship Alleghany, and their legal representatives.

Be it enacted, &c. That there be allowed to the owners of the ship Alleghany, which was captured at Gibraltar, in the year one thousand eight hundred and twelve, while in the service of the United States, and condemned as a prize of war, the sum of sixteen thousand and four hundred dollars; and that the same be paid out of any money in the Treasury, not otherwise appropriated, to the said owners, or their legal heirs or representatives.

Approved: May 29, 1830.

AN ACT for the relief of Elisha Ives.

Be it enacted, &c. That the Secretary of the Treasury pay to Elisha Ives, out of any money not otherwise appropriated, the sum of one thousand five hundred dollars, the value of a boat of his which was captured by the enemy in May, one thousand eight hundred and fourteen, while said boat was used for transporting munitions of war from Oswego to Sackett's Harbor, the said boat being in said service, under a contract made with Captain Woolsey, and not at the risk of the owner.

Approved: May 29, 1830.

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AN ACT for the relief of William Morrison.

Be it enacted, &c. That the Secretary of the Treasury pay to William Morrison, out of any money in the Treasury, not otherwise appropriated, the sum of three thousand seven hundred and fifty-eight dollars seventy-two cents, the balance due him for supplies furnished the troops of the United States, under his contract with the Secretary of War, dated the third day of April, one thousand eight hundred and sixteen.

Approved: May, 29, 1830.

AN ACT for the relief of John Hayner.

Be it enacted, &c. That the Secretary of the Treasury pay to John Hayner, out of any money not otherwise appropriated, the sum of one hundred dollars, the value of a horse he lost at the attack on Baltimore during the late war, by reason of being dismounted and separated from him, the said John Hayner serving as a mounted rifleman in cavalry, in a company commanded by H. St. G. Tucker.

Approved: May 29, 1830.

AN ACT for the relief of James Fisk.

Be it enacted, &c. That the Secretary of the Treasury pay to James Fisk, of the State of Vermont, late Collector of the Customs for that State, four hundred and forty-nine dollars and seventy cents, out of any money in the Treasury, not otherwise appropriated; it being the amount of which the Deputy Collector of the Customs, at Berkshire, in said State, was robbed of, on the sixth of April, one thousand eight hundred and twenty-four, and which the said James Fisk has paid into the Treasury of the United States.

Approved: May 29, 1830.

AN ACT for the relief of Ephraim F. Gilbert.

Be it enacted, &c. That the Third Auditor of the Treasury Department be, and he hereby is, authorized and directed to ascertain the damages and losses sustained by Ephraim F. Gilbert, after the close of his labor in delivering stone for the United States at Fort Niagara, in the year one thousand eight hundred and seventeen, under his contract for that purpose, dated the twenty-ninth day of January, in the year one thousand eight hundred and sixteen; which losses and damages were sustained in preparing to deliver a further quantity of stone, under an extension of said contract, in the year one thousand eight hundred and eighteen; and the same is to be ascertained on just and equitable principles, so as to indemnify him for his expenditures in making preparations for delivering a further quantity of stone in the year one thousand eight hundred and eighteen, and for damages sustained in the particulars mentioned in the report of the Committee of Claims on this subject. And the sum thus ascertained, the Secretary of the Treasury is hereby authorized and directed to pay to said Gilbert, out of any money in the Treasury, not otherwise appropriated.

Approved: May 29, 1830.

AN ACT for the relief of John Scott, executor of Charles Yates, deceased.

Be it enacted, &c. That the proper accounting officers of the Treasury Department, be, and they are hereby, authorized and required to pay to John Scott, executor of Charles Yates, deceased, interest at the rate of six per centum per annum, upon the specie value of a loan office certificate issued to, and in the name of Edward Watkins, for the sum of five hundred dollars, and numbered eight thousand four hundred and ninety-two.

Approved: May 29, 1830.

AN ACT to reimburse Lieutenant Daniel Tyler for money advanced by him for the Government of the United States.

Be it enacted, &c. That, out of any moneys in the Treasury, not otherwise appropriated, there be paid to Lieutenant Daniel Tyler, of the United States' Army, the sum of four hundred and thirty dollars and eleven cents, to reimburse him for so much paid by him for and on account of the Government.

Approved: May 29, 1830.

AN ACT for the relief of Roger Enos.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized to pay to Roger Enos, late Collector of the district of Memphremagog, in Vermont, out of any moneys in the Treasury, not otherwise appropriated, one hundred and three dollars, being the moiety of the proceeds of a penalty recovered by the said Roger Enos, in the name of the United States, against a certain Josiah Parmelee, in the year one thousand eight hundred and eighteen.

Approved: May 29, 1830.

AN ACT for the relief of Jeremiah Walker, of the State of Louisiana.

Be it enacted, &c. That Jeremiah Walker be, and he is hereby, confirmed in his title to a certain tract of land situate in the parish of East Feliciana, and State of Louisiana, lying on the Lost Fork of Thompson's creek; it being the place first settled by Thomas Smith, and transferred by him to Sullivan, by Sullivan to White, and by White to the said Walker; containing not more than six hundred and forty acres: *Provided*, That this confirmation shall operate as a relinquishment on the part of the United States only.

Approved: May 29, 1830.

AN ACT for the relief of Abel Allen.

Be it enacted, &c. That the act to provide for certain persons engaged in the land and naval service of the U. States in the Revolutionary war, passed the eighteenth day of March, eighteen hundred and eighteen, shall be construed to authorize the Secretary of War, to place on the pension list Abel Allen, a soldier in the Revolutionary war, now insane, of the date of the eighteenth of August, Anno Domini eighteen hundred and twenty-nine; and that the receipt of his guardian for the time being, shall be sufficient for the pension allowed by the said act.

Approved: May 29, 1830.

AN ACT for the relief of Major M. M. Payne, of the United States' Army.

Be it enacted, &c. That the sum of twelve hundred and seventy five dollars be paid to Major M. M. Payne, of the United States' Army, out of any moneys in the Treasury, not otherwise appropriated, as a reimbursement for the expenses which he incurred in defending a suit brought against him in the State of South Carolina, to recover from him damages for the performance of an act strictly within the line of his professional duty.

Approved: May 29, 1830.

AN ACT for the relief of Isaiah Townsend, Peter Dox, and Gerrit Le Grange, sureties of Gerrit L. Dox.

Be it enacted, &c. That the Postmaster General be, and he is hereby, authorized to allow the sum of one thousand five hundred and seventy-eight dollars and fifty cents, together with any interest which may have been charged upon that sum, from the first day of April, one thousand eight hundred and sixteen, as a credit upon any judgment which may have been re-

covered against Isaiah Townsend, Peter Dox, and Gerrit Le Grange, as the sureties of Gerrit L. Dox, late a Postmaster at Albany, in the State of New York, that amount of postage having been paid by him, and for which no credit has ever been given.

Approved: May 29, 1830.

AN ACT to provide for surveying certain lands in the Territory of Arkansas.

Be it enacted, &c. That the Surveyor General of the States of Illinois, Missouri, and Territory of Arkansas, be, and he is hereby authorized to contract for, and pay, at the rate of four dollars per mile, for the surveying of such of the public lands in the Territory of Arkansas, which lie on the rivers, and are so thickly covered with cane, that contracts for executing the surveys thereof, by suitable persons, cannot be made at the existing price: *Provided*, That said Surveyor General shall certify to the Commissioner of the General Land Office, from time to time, the quantity of land, for the surveying of which, the additional compensation allowed by this act shall be contracted for, and the reasons, in his opinion, requiring the increased allowance.

Approved: May 29, 1830.

AN ACT to exempt deserters, in time of peace, from the punishment of death.

Be it enacted, &c. That, from and after the passage of this act, no officer or soldier in the Army of the United States, shall be subject to the punishment of death for desertion in time of peace.

Approved: May 29, 1830.

AN ACT to relinquish the reversionary interest of the United States in certain Indian reservations in the State of Alabama.

Be it enacted, &c. That all the right, title, and interest, which might accrue or revert to the United States, to the reservations of land now claimed and possessed by Conaleskee, commonly called Challenge, James Ore, and Giles McNulty and his wife Alice, and William Wilson and his wife Peggy Wilson, under a treaty made and concluded between the United States and the Cherokee tribe of Indians, on the eighth day of July, one thousand eight hundred and seventeen; and all the right, title, and interest, which might accrue or revert to the United States, to reservations of land now claimed and possessed by George Stiggins, and Arthur Sizemore, under a treaty made and concluded between the United States and the Creek Indians, at Fort Jackson, on the ninth day of August, one thousand eight hundred and fourteen, all lying in the State of Alabama, be, and the same are hereby, relinquished, and vested in the said reservees, and their heirs, respectively: *Provided*, That the said Conaleskee, commonly called Challenge, James Ore, Giles McNulty, and William Wilson, George Stiggins, and Arthur Sizemore, with their respective families, shall remove to their respective tribes west of the Mississippi river, not included in any State or Territory; and that the Government of the United States shall not be chargeable with the expense of their removal or transportation, or with any allowance of land to, or on account of either of them, or their respective families: *And provided*, also, that no conveyance or deed of the said lands, or any part of them, shall be valid or effectual, until every such conveyance or deed, shall be submitted to one of the District Attorneys for the Districts of Alabama, for his approbation; and if, after inquiry into the facts and circumstances attending the contracts for the sale of any of the said lands, he shall be satisfied that such contracts are fair, and that the consideration paid, or agreed to be paid, therefor, is adequate, he shall endorse his approbation on each con-

veyance and deed so approved; and, thereafter, the same shall be deemed valid and effectual.

Approved: May 29, 1830.

AN ACT to reduce the duty on molasses, and to allow a drawback on spirits distilled from foreign materials.

Be it enacted, &c. That, from and after the thirtieth day of September, one thousand eight hundred and thirty, the duty on molasses shall be five cents for each gallon, and no more; and from and after that time there shall be allowed a drawback of four cents upon every gallon of spirits distilled in the United States, or the territories thereof, from foreign molasses, on the exportation thereof to any foreign port or place other than the dominions of any foreign State immediately adjoining the United States, in the same manner and on the same conditions as before the tariff of May the nineteenth, one thousand eight hundred and twenty-eight.

Approved: May 29, 1830.

AN ACT to reduce the duty on Salt.

Be it enacted, &c. That the duty on salt be fifteen cents per bushel of fifty-six pounds, from the thirty-first of December next, until the thirty-first of December, one thousand eight hundred and thirty-one; and, after that time, ten cents per bushel, and no more.

Approved: May 29, 1830.

AN ACT to repeal the proviso in the act for the relief of Philip Slaughter, passed the 26th May, one thousand eight hundred and twenty-eight.

Be it enacted, &c. That so much of the act for the relief of Philip Slaughter, passed the twenty-sixth day of May, one thousand eight hundred and twenty-eight, as provides, "that the acceptance, by the said Slaughter, of the grant herein made, shall be in lieu of any claim he may have under the provisions of a bill passed at this session of Congress, entitled "An act for the relief of the surviving officers and soldiers of the Revolution," be, and the same is hereby repealed.

Approved: May 29, 1830.

AN ACT for the relief of Ephraim Whitaker, and John J. Jacobs.

Be it enacted, &c. That the benefits of the provisions of the act, entitled "An act for the relief of certain surviving officers and soldiers of the Army of the Revolution," passed May the fifteenth, one thousand eight hundred and twenty-eight, which a Captain in the Army of the Revolution, on the continental establishment, is entitled to receive, be extended to Ephraim Whitaker, of the city of Troy, and John J. Jacobs, of Virginia, in the same manner as if the said Ephraim Whitaker and John J. Jacobs had fully complied with the provisions of the fourth section of the said act; and that the Secretary of the Treasury be authorized and directed to pay to them, or their authorized attorneys, respectively, out of any moneys in the Treasury, not otherwise appropriated, such monthly pay as they are respectively entitled to, under the provisions of the said act, commencing on the first day of January, one thousand eight hundred and thirty.

Approved: May 29, 1830.

AN ACT for the settlement of the accounts of Samuel Sitgreaves.

Be it enacted, &c. That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to pass to the credit of the late Samuel Sitgreaves, the sum of ten thousand four hundred and forty-five dollars and fifty six cents, with which sum he now stands charged on the books of the Treasury.

Approved: May 29, 1830.

AN ACT for the relief of George Ermatinger.

Be it enacted, &c. That the Third Auditor of the Treasury ascertain the value of a horse which belonged to said George, and was killed at the attack on Fort Stephenson, in the year one thousand eight hundred and thirteen, while the said George was in the military service of the United States; and when said value shall be so ascertained, on such proof as the said George may produce, the said auditor is directed to make such deduction therefrom of such sum as he shall ascertain the said George has received for forage after his said horse was killed, and before he obtained another; and when the said Auditor shall report to the Secretary of the Treasury the amount due the said George, on account of said loss, said Secretary is directed to pay to said George the said sum so found to be his due, out of any money in the Treasury not otherwise appropriated.

Approved: May 29, 1830.

AN ACT to amend the acts regulating the Commercial Intercourse between the United States and certain Colonies of Great Britain.

Be it enacted, &c. That whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the vessels of the United States, for an indefinite or for a limited term, that the vessels of the United States and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels or their cargoes, arriving in said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies aforesaid, to any country whatever, other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions or possessions as aforesaid; leaving the commercial intercourse of the United States, with all other parts of the British dominions or possessions, on a footing not less favorable to the United States than it now is, and that then, and in such case, the President of the United States shall be, and he is hereby authorized, at any time before the next session of Congress, to issue his proclamation, declaring that he has received such evidence; and, thereupon, from the date of such proclamation, the ports of the United States shall be opened, indefinitely, or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions; and it shall be lawful for the said British vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in vessels of the United States; and the act, entitled "An act concerning navigation," passed on the eighteenth day of April, one thousand eight hundred and eighteen; an act supplementary thereto, passed the fifteenth day of May, one thousand eight hundred and twenty; and an act, entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the first day of March, one thousand eight hundred and twenty-three, are, in

such case, hereby declared to be suspended, or absolutely repealed, as the case may require.

Sec. 2. *And be it further enacted*, That, whenever the ports of the United States shall have been opened, under the authority given in the first section of this act, British vessels and their cargoes shall be admitted to an entry in the ports of the United States, from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and North or East of the United States.

Approved, May 29, 1830.

AN ACT for the relief of Lieutenant Colonel Enos Cutler, of the United States Army.

Be it enacted, &c. That out of any moneys in the treasury not otherwise appropriated, there be paid to the Secretary of War, the sum of two thousand one hundred and fifty dollars, to be applied by him to the payment of damages, costs, and expenses, incurred by Lieutenant Colonel Enos Cutler, to that amount, in defending certain suits brought against him as the representative of the United States, and acting under the orders of the Department of War.

Approved, May 29, 1830.

AN ACT for authorizing a Patent to be issued to Moses Shaw.

Be it enacted, &c. That the Secretary of the Department of State be, and he is hereby authorized and required to issue letters patent to Moses Shaw, for a mode for blasting rocks, upon his complying with the directions of the act, entitled "An act to promote the progress of the useful arts, and to repeal the act heretofore made for that purpose," and the several acts supplementary to, and amendatory of, the said act; except so far as the said acts, or any part or parts of them, require a residence of two years within the United States, in like manner in all respects, as if the said Moses Shaw had resided two years within the United States.

Approved, May 29, 1830.

AN ACT for the relief of Thomas W. Newton, assignee of Robert Crittenden.

Be it enacted, &c. That the Secretary of the Treasury pay, out of any money not otherwise appropriated, to Thomas W. Newton, assignee of Robert Crittenden, two hundred and thirty dollars, the value of two horses, lost for the want of forage, by the said Robert Crittenden, in the service of the United States, in the Seminole war, in May, one thousand eight hundred and eighteen, the said Crittenden being the commander of the Kentucky Guards, in said campaign.

Approved, May 29, 1830.

AN ACT for the relief of Mesheck Browning.

Be it enacted, &c. That the Secretary of the Treasury pay to Mesheck Browning, out of any money in the Treasury not otherwise appropriated, the sum of one hundred dollars, the value of two horses owned by him, in the service of the United States, by impressment, to transport a part of the baggage of the army commanded by Gen. Hull; which horses died for the want of forage, in the wilderness, on their return to Cincinnati.

Approved, May 29, 1830.

AN ACT for the relief of Sarah Easton and Dorothy Storer, children and heirs at law of Lieutenant Colonel Robert Hanson Harrison, deceased.

Be it enacted, &c. That the accounting officers of the Treasury be, and they are hereby, directed and required to adjust and settle the account of Sarah Easton and Dorothy Storer, children and heirs at law of Lieutenant Colonel Robert Hanson Harrison, and pay to them five

years' full pay, being the commutation for half pay for life, due to their said father in his life time, for services by him rendered to the United States in their army, during the Revolutionary war, as a Lieutenant Colonel on the Continental establishment; and that the same be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized, directed, and required to issue to the said Sarah and Dorothy, and in their names, a land warrant for four hundred and fifty acres of military bounty land, as and for the lands to which the said Robert Hanson Harrison was, while in full life, entitled, for and on account of the services by him so aforesaid rendered; and that the same may be located on any vacant or unlocated lands heretofore appropriated by Congress for said purposes.

Approved: May 29, 1830.

AN ACT for the relief of Fielding L. White.

Be it enacted, &c. That Fielding L. White, late Jailor of Madison County, in the State of Alabama, be allowed and paid, out of any money in the Treasury not otherwise appropriated, the sum of fifty dollars, paid by him as a reward for the arrest and commitment of David H. Dyer, on a charge of robbing the Post Office at Florence.

Approved: May 29, 1830.

AN ACT for the relief of Alexander Scott.

Be it enacted, &c. That the sum of one thousand four hundred and seventy-one dollars and ninety-seven cents be paid, out of any money in the Treasury, not otherwise appropriated, to Alexander Scott, on account of his services as a political agent of the Government of the United States in Venezuela.

Approved: May 29, 1830.

AN ACT for the relief of Ann D. Baylor.

Be it enacted, &c. That the accounting officers of the Treasury be, and they hereby are, authorized, directed, and required to settle the account of Ann D. Baylor, widow of John Walker Baylor, Esquire, deceased, who was only son and heir at law of Col. George Baylor, late of the army of the United States in the Revolutionary war, deceased, for all such Loan Office certificates as were issued from the Loan Office of the United States, in Virginia, in the name of the said George Baylor, payable to him, and now remain on the books of the Treasury, outstanding and unpaid, and not transferred to any other person by him; and that they pay to her, the said Ann D. Baylor, as trustee for the heirs at law and distributees of the said John Walker Baylor, and to their sole use, the same amount of money which might have been received on said certificates, had they been subscribed to the loan of the United States, under the act, entitled "An act making provision for the debt of the United States," passed August fourth, one thousand seven hundred and ninety; making out said account, and settling and paying the same, in all respects, in manner and form as if such subscription had then been made, and the dividends credited thereunto, according to the several provisions of said act, and the act passed April twenty-eighth, one thousand seven hundred and ninety-six, in aid thereof, and the whole amount left uncalled for in the Treasury till the present time; together with that part thereof which has been credited with interest at three per cent. per annum; and that the same be paid out of any money in the Treasury, not otherwise appropriated.

Approved: May 29, 1830.

AN ACT for the relief of Charles Collins.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, directed to pay to Charles Collins,

late Collector of the Port and District of Bristol, in Rhode Island, out of any money in the Treasury not otherwise appropriated, two hundred and forty-five dollars and fifteen cents, being the moiety of the proceeds of the forfeiture of the Brig Nedeshda, to which the said Charles Collins was by law entitled.

Approved : May 29, 1830.

AN ACT for the relief of the heirs or representatives of widow Dupre.

Be it enacted, &c. That the Secretary of the Treasury pay to the heirs or representatives of widow Dupre, late of New Orleans, deceased, (on the presentation of satisfactory evidence of heirship, or of being executors or administrators,) out of any money in the Treasury, not otherwise appropriated, the sum of eight thousand nine hundred and ninety-five dollars, for the destruction and damage of her buildings, and for the destruction of her fences below New Orleans, during the late war, while her plantation was in the military occupation of the United States' Army; being the amount estimated for such destruction and damage by the Commissioners appointed for that purpose, by General Jackson.

Approved : May 29, 1830.

AN ACT for the relief of John Conard, Marshal of the Eastern District of Pennsylvania.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury, not otherwise appropriated, the amount now due upon a judgment rendered on the twenty-fourth day of November, one thousand eight hundred and twenty-eight, by the Circuit Court of the United States for the Eastern District of Pennsylvania, in favor of Francis H. Nicoll, and against John Conard, Marshal of the said district, for the sum of thirty-nine thousand two hundred and forty-nine dollars and sixty cents, together with all the legal costs which have accrued against the said Conard, either in the said Circuit Court or upon the affirmance of the said judgment in the Supreme Court: *Provided*, that the Secretary of the Treasury shall retain from the amount hereby appropriated, so much as Francis H. Nicol may be indebted to the United States on his own account, or as security of any other person.

Approved : May 29, 1830.

AN ACT for the relief of the legal representatives of Joseph Jeans, deceased.

Be it enacted, &c. That the Secretary of the Treasury pay to the legal representatives of Joseph Jeans, deceased, the sum of sixty-one dollars, out of any money in the Treasury, not otherwise appropriated, that being the difference between the value of two horses impressed into the service of the United States, in the year one thousand eight hundred and twelve, and never returned to said Jeans, and the sum which said Jeans has received for the use and risk of said horses.

Approved : May 29, 1830.

AN ACT for the relief of William Price.

Be it enacted, &c. That the proper accounting officers of the Treasury be, and they are hereby, required to settle the account of William Price, and to allow him five years' full pay as Lieutenant in the Revolutionary war, which five years' full pay is the commutation of his half pay for life; to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved : May 29, 1830.

AN ACT for the benefit of Charles Brown, a soldier of the Revolutionary war.

Be it enacted, &c. That the Secretary of War be, and he is hereby, directed to place the name of Charles Brown upon the Pension list, at the rate of eight dollars per month, to continue during his natural life; and to commence on the first day of January, in the year one thousand eight hundred and thirty.

Approved, May 29, 1830.

AN ACT for the relief of David Brooks.

Be it enacted, &c. That the benefits of the provisions of the act, entitled "An act for the relief of certain surviving officers and soldiers of the army of the revolution," passed May fifteenth, one thousand eight hundred and twenty-eight, which a Lieutenant in the army of the revolution, on the continental establishment, is entitled to receive, be extended to David Brooks, of the city of New York, in the same manner as if the said David Brooks had fully complied with the provisions of the fourth section of the said act; and that the Secretary of the Treasury be authorized and directed to pay to him, or his authorized attorney, out of any moneys in the Treasury not otherwise appropriated, such monthly pay as he is entitled to under the provisions of the said act, commencing on the first day of January, one thousand eight hundred and thirty.

Approved, May 29, 1830.

AN ACT for the relief of the heirs of Colonel John Ellis, deceased.

Be it enacted, &c. That the heirs of Colonel John Ellis, formerly of the State of Mississippi, now deceased, be permitted to enter, without the payment of any consideration therefor, one section of the public land, according to the public surveys hitherto made, in the State of Mississippi; and that a patent therefor be issued to them by the proper authority: *Provided, however*, That, previous to the issuing of said patent, they shall file with the Commissioner of the General Land Office a deed, relinquishing to the United States all claim to a tract of land of like quantity, for which a certificate, number thirty-one, Register's number one thousand and one, was issued to their ancestor John Ellis, on the eighteenth day of September, one thousand eight hundred and fifteen, by Nicholas Gray, register, and Parker Walton, receiver; west of Pearl river, acting as commissioners under the act of Congress of the thirtieth of June, one thousand eight hundred and twelve, entitled "An act confirming claims to lands in the Mississippi Territory, founded on warrants of survey granted by the British or Spanish Governments."

Sec. 2. *And be it further enacted*, That no patent shall be issued on any survey founded on said certificate, and that any patent so issued, shall be absolutely void.

Approved, May 29, 1830.

AN ACT for the relief of Martha Yeomans, widow of John Yeomans, deceased.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Martha Yeomans, widow of John Yeomans, deceased, a Lieutenant of Infantry in the Continental Line, during the Revolutionary war, such sum as the said John Yeomans, who died on the twelfth day of July, in the year one thousand eight hundred and twenty-seven, would have been entitled to, under the provisions of an act, entitled "An act for the relief of certain surviving officers and soldiers of the Army of the Revolution," passed the fifteenth day of May, one thousand eight hundred and twenty-eight, from the third day of March, in the year one thousand eight hundred and twenty-six, to the twelfth

day of July, in the year one thousand eight hundred and twenty-seven, had he, the said John Yeomans, survived, and been living at the time of the passing of the aforesaid act; and that the amount which would in such case have been so due to the said John Yeomans, when liquidated and ascertained by the proper accounting officers of the Treasury, be paid out of any moneys in the Treasury not otherwise appropriated.

Approved: May 29, 1830.

AN ACT for the relief of Alexander Love.

Be it enacted, &c. That Alexander Love be, and he is hereby, confirmed in his title to two thousand arpents of land, situated on the East side of the river Perdido, in the Territory of Florida, to be located according to a plat and survey made of the same, on the tenth of April, eighteen hundred and twenty-one. And the Commissioner of the General Land Office, upon being presented with a plat and survey of said land, regularly made as aforesaid, shall issue a patent therefor: *Provided*, That this act shall amount only to a relinquishment on the part of the United States, and shall in no manner affect the rights of third persons, or claim derived from the United States by purchase or donation.

Approved: May 29, 1830.

AN ACT for the relief of Nathaniel Childers.

Be it enacted, &c. That the Court of the United States for the fifth circuit of Virginia, holden in the city of Richmond, be, and the same is hereby, authorized, at the next, or any succeeding term, on due proof being made, to allow to Nathaniel Childers such further compensation as they may think he is entitled to, for taking the fourth census, in the county of Norfolk, in the State of Virginia, by reason of the dispersed situation of the inhabitants in said county: *Provided*, That the further allowance the said Court may make, shall not exceed, with what the said Childers has heretofore received, exclusive of taking the manufactories, one dollar and twenty-five cents for each fifty persons enumerated.

Sec. 2. And be it further enacted, That the amount so allowed shall be paid out of any money in the Treasury, not otherwise appropriated, on the certificate of said Court, showing the amount thus allowed.

Approved: May 29, 1830.

AN ACT for the relief of John Glass.

Be it enacted, &c. That, whenever John Glass, of Lawrence county, Alabama, shall produce to the Register and Receiver of Public Moneys in the Land Office at Huntsville, in said State, satisfactory evidence that he is equitably entitled to the Northeast quarter of section four, in township five, of range seven, West, in the district of land sold at Huntsville, and shall pay to the said Receiver of Public Moneys, the balance of the purchase money due on said quarter section, without interest, and deducting therefrom thirty-seven and a half per centum, the said John Glass shall be entitled to receive a patent for the said quarter section: *Provided*, said Glass shall make said proof, and pay said balance, with the deduction aforesaid, on or before the first day of January next; and that the patent hereby directed to be issued shall only operate as a relinquishment from the United States, as far as regards the moiety which might have been claimed by Alexander McQuie.

Sec. 2. And be it further enacted, That the said John Glass may, under the conditions and restrictions contained in the foregoing section, in his election, avail himself of the provisions of "an act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States," passed at the present session of Congress.

Approved: May 29, 1830.

AN ACT for the relief of Samuel Sprigg, of Virginia.

Be it enacted, &c. That there shall be granted to Samuel Sprigg, of the State of Virginia, as a full compensation for three hundred and seventy-nine dollars and a few cents, paid by Bezaleel Wells, in the year one thousand eight and hundred five, into the Treasury of the U. States, as the first instalment on the purchase of a fraction of land, entered by said Wells, in the State of Ohio, in the Steubenville District, being section twenty-six, in township two, range two, which amount was thereafter paid to him by said Sprigg, one-half section of any land belonging to the United States, which has been heretofore offered for sale, and which is, by law, now subjected to entry; and that, upon an entry thereof being made with the proper officer, a patent for the same shall issue to the said Samuel Sprigg.

Approved: May 29, 1830.

AN ACT for the relief of Benjamin Homans.

Be it enacted, &c. That the Secretary of the Treasury pay to Benjamin Homans, out of any money in the Treasury, not otherwise appropriated, the sum of three hundred dollars, in full for his services in the Navy Department as temporary clerk, from the first of August to the thirtieth of November, one thousand eight hundred and twenty-three, both days inclusive.

Approved: May 29, 1830.

AN ACT for the relief of David Rogers and Sons.

Be it enacted, &c. That the Secretary of the Treasury pay to David Rogers and Sons, out of any money in the Treasury, not otherwise appropriated, one hundred and sixty-eight dollars, and sixty-seven cents, being the amount of drawback on certain teas, entered for benefit of drawback, and exported to St. Croix, in the year one thousand eight hundred and twenty-two.

Approved: May 29, 1830.

AN ACT to authorize the exchange of certain lots of land between the University of Michigan Territory and Martin Baum and others.

Be it enacted, &c. That the Trustees of the University of Michigan be, and they are hereby, authorized to exchange with Martin Baum and others, the tracts of land designated as river lots, numbered one and two, in the United States' reserve of twelve miles square, on the Miami of Lake Erie, heretofore purchased from the United States, and which, having been relinquished by the said Martin Baum, under the provisions of the act of the second of March, one thousand eight hundred and twenty-one, for the relief of the purchasers of the public lands, were afterwards selected by the Secretary of the Treasury, for the said University, under the provisions of the act of the twentieth of May, one thousand eight hundred and twenty-six, entitled "An act concerning a seminary of learning in the Territory of Michigan," for such other lands as may be agreed upon by them; and the President of the United States, upon being advised by the said Trustees that such exchange has been made, is hereby authorized and required to issue patents in such manner as may be necessary to carry this act into full effect.

Approved, January 13, 1830.

AN ACT to extend the time for locating certain donations in Arkansas.

Be it enacted, &c. That so much of an act of Congress, approved twenty-fourth of May, eighteen hundred and twenty eight, entitled "An act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State to aid in the construction of Canals, authorized by law, and for making donations of land to certain persons in Arkansas Territo-

ry," and, also, so much of an act approved sixth January, eighteen hundred and twenty-nine, entitled, "An act restricting the location of certain land claims, in the Territory of Arkansas, and for other purposes," as limits the time of locating those donations, be, and the same is hereby continued in force, for the further term of one year, from the twenty-fourth day of May next: *Provided*, that no locations shall be made within the further time allowed by this act, which shall not include the actual settlement made by the claimant prior to the twenty-fourth day of May next.

Approved, January 15, 1830.

AN ACT for the relief of Elijah Carr.

Be it enacted, &c. That Elijah Carr, assignee of Elisha Carr, be, and he is hereby, authorized to relinquish to the United States, in such manner and form as the Commissioner of the General Land Office may prescribe, the South east quarter of section thirty-four, in township three North, of range two East, in the district of lands offered for sale by the United States at Jeffersonville.

Sec. 2. And be it further enacted, That the said Elijah Carr be authorized to enter at the office of the Register of the Land Office at Jeffersonville aforesaid, the Northeast quarter of section three, in township two North, of range two East; and to receive from the United States a patent for the same: *Provided*, The said quarter section of land last described, shall remain unsold, and that the said Elijah Carr shall make the relinquishment and entry aforesaid, prior to the fourth day of July next.

Approved, January 13, 1830.

AN ACT making appropriations for certain arrearages in the Naval service for the year one thousand eight hundred and twenty-nine.

Be it enacted, &c. That the following sums be, and they are hereby appropriated, to be paid out of any unappropriated money in the Treasury, for certain arrearages in the Naval service, for the year one thousand eight hundred and twenty-nine, viz:

For pay and subsistence of officers, and pay of seamen, other than those at Navy Yards, shore stations, and in ordinary, one hundred and thirty-six thousand nine hundred and twenty-two dollars and sixty-one cents.

For repair of vessels in ordinary, and for wear and tear of vessels in commission, eighty-two thousand eight hundred and forty dollars and eighty-eight cents.

For contingent expenses in the Naval service, thirty thousand three hundred and ninety-one dollars and sixty-nine cents.

For pay of Superintendents, Naval Constructor, and all the civil establishment at the Yards and Stations, three hundred and ninety two dollars and seven cents.

For Medicines, Surgical Instruments, and Hospital Stores, two thousand two hundred and six dollars and fifty cents.

For pay and subsistence of the Marine Corps, sixteen thousand seven hundred and fifty seven dollars and ten cents.

Approved, January 30, 1830.

AN ACT for the relief of Lewis Schrack.

Be it enacted, &c. That the Secretary of the Treasury pay to Lewis Schrack, out of any money in the Treasury, not otherwise appropriated, the sum of one hundred and five dollars, the value of four hundred and twenty rifle stocks, delivered by the said Lewis to the Military Store-keeper at Philadelphia, under a contract with the United States.

Approved, January 30, 1830.

AN ACT for the relief of Joel Byington.

Be it enacted, &c. That the Secretary of the Treasury

pay to Joel Byington, out of any money in the Treasury, not otherwise appropriated, the sum of two hundred and eighty-two dollars and sixteen cents, in full for the damage done to the house and barn of the said Byington, while in the military service of the United States, during the late war.

Approved, January 30, 1830.

AN ACT for the relief of Nathaniel B. Wood.

Be it enacted, &c. That the proper accounting officers of the Treasury liquidate the claims of Nathaniel B. Wood, and allow him the pay and emoluments of a Deputy Quartermaster General, from the fifteenth of November, one thousand eight hundred and fourteen, to the tenth of May, one thousand eight hundred and fifteen, both days inclusive, for his services as Special Commissary, rendered to a detachment of Kentucky militia, in the service of the United States, for the period aforesaid, deducting therefrom such pay and forage as he may have received: *Provided*, that no allowance for forage shall be made after the eleventh of March, one thousand eight hundred and fifteen, unless the said Wood proves that he had a horse in service subsequent to that period, and sustained by him.

Sec. 2. And be it further enacted, That the balance so found due, shall be paid out of any money in the Treasury, not otherwise appropriated.

Approved, January 30, 1830.

AN ACT for the relief of Theophilus Cooksey.

Be it enacted, &c. That the Secretary of the Treasury pay to Theophilus Cooksey, out of any money in the Treasury, not otherwise appropriated, the sum of sixty dollars, the value of a horse that died in the military service of the United States, in one thousand eight hundred and thirteen, for want of forage.

Approved, January 30, 1830.

AN ACT to grant pre-emption rights to settlers on the Public Lands.

Be it enacted, &c. That every settler or occupant of the Public Lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine, shall be, and he is hereby, authorized to enter, with the Register of the Land Office, for the District in which such lands may lie, by legal subdivisions, any number of acres, not more than one hundred and sixty or a quarter section, to include his improvement, upon paying to the United States the then minimum price of said land: *Provided, however*, That no entry or sale of any land shall be made, under the provisions of this act, which shall have been reserved for the use of the United States, or either of the several States, in which any of the public lands may be situated.

Sec. 2. And be it further enacted, That if two or more persons be settled upon the same quarter section, the same may be divided between the two first actual settlers, if, by a North and South, or East and West line, the settlement or improvement of each can be included in a half quarter section; and in such case the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere in said land district, so as not to interfere with other settlers having a right of preference.

Sec. 3. And be it further enacted, That prior to any entries being made under the privileges given by this act, proof of settlement or improvement shall be made to the satisfaction of the Register and Receiver of the land district in which such lands may lie, agreeably to the rules to be prescribed by the Commissioners of the General Land Office for that purpose, which Register and Receiver shall each be entitled to receive fifty cents for his services therein. And that all assignments and trans-

fers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void.

Sec. 4. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States, beyond the time which has been, or may be, appointed, for that purpose, by the President's Proclamation; nor shall any of the provisions of this act be available to any person or persons, who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of lands, including the tract or tracts, on which the right of pre-emption is claimed; nor shall the right of pre-emption, contemplated by this act, extend to any land, which is reserved from sale, by act of Congress, or by order of the President, or which may have been appropriated, for any purpose whatsoever.

Sec. 5. *And be it further enacted*, That this act shall be and remain in force, for one year from and after its passage.

Approved: May 29, 1830.

AN ACT for the relief of Elizabeth Williams.

Be it enacted, &c. That the Secretary of the Treasury pay, out of any money, not otherwise appropriated, to Elizabeth Williams, widow of the late Thomas Williams, of the District of Columbia, the sum of two hundred and eighty-five dollars, the value of the labor performed by said Thomas Williams, on the wall around the jail of the county of Washington, in said District.

Approved: May 29, 1830.

AN ACT for the relief of Jasper Parish.

Be it enacted, &c. That the Secretary of the Treasury pay to Jasper Parish, out of any money, not otherwise appropriated, the sum of four hundred and twenty-seven dollars and fifty cents, the value of his fences necessarily taken and consumed by the troops of the United States, near to, or at the mouth of, Conjoctety Creek, in the State of New York, under the command of Brigadier General Smyth.

Approved: May 29, 1830.

AN ACT to revive and continue in force "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian."

Be it enacted, &c. That the act passed the eighteenth day of April, one thousand eight hundred and eighteen, entitled "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, of the clerks employed in their offices, and of the Librarian," be, and the same is hereby revived and continued in force.

Approved: May 29, 1830.

AN ACT for the relief of Benjamin Wells.

Be it enacted, &c. That the accounting officers of the Treasury be, and they hereby are authorized, directed, and required to settle the accounts of Benjamin Wells, as Deputy Commissary of Issues at the magazine at Monster Mills, in Pennsylvania, under John Irvine, Deputy Commissary General of the army of the United States in said State, in the Revolutionary war, and as a Deputy Forgemaster, under David Duncan, Deputy Quartermaster at the same magazine of the army aforesaid, in said war; and that they credit to him the sum of five hundred and seventy-five dollars and four cents, as payable February ninth, one thousand seven hundred and seventy-nine, and three hundred and twenty-six dollars and sixty-seven cents, payable July twentieth, one thousand seven hundred and eighty, in the same manner, and with such interest, as if those sums, with their interest from the times respectively as aforesaid, had been

subscribed to the loan of the United States, proposed by an act, entitled "An act, making provision for the debt of the United States," passed August fourth, one thousand seven hundred and ninety, and such subscription had been made on the thirty-first day of December, one thousand seven hundred and ninety; and pay to him such sums so credited, together with the amount of principal which would have been paid, or now remain due, under the provisions of said act; and that the same be paid out of any money in the Treasury, not otherwise appropriated.

Approved: May 29, 1830.

AN ACT for the relief of Lewis Rouse.

Be it enacted, &c. That the Third Auditor of the Treasury Department is hereby authorized to settle and adjust the claim of Lewis Rouse, on just and equitable principles, for two hundred and sixty-five gallons of whiskey, furnished for the use of the garrison at Fort Crawford, Prairie du Chien, the twenty-third day of April, in the year one thousand eight hundred and eighteen, in consequence of the failure of the contractor to furnish the liquor part of the rations to the troops at that post. The sum found justly due him by the Third Auditor, under this act, shall be paid out of any money in the Treasury, not otherwise appropriated.

Approved: May 30, 1830.

AN ACT to repeal the tonnage duties upon ships and vessels of the United States, and upon certain foreign vessels.

Sec. 1. *Be it enacted, &c.* That, from and after the first day of April next, no duties upon the tonnage of the ships and vessels of the United States, of which the officers and two-thirds of the crew shall be citizens of the United States, shall be levied or collected; and all acts and parts of acts imposing duties upon the tonnage of ships and vessels of the United States officered and manned as aforesaid, so far as the same relate to the imposition of such duties, shall, from and after the first day of April next, be repealed.

Sec. 2. *And be it further enacted*, That, from and after the said first day of April next, all acts and parts of acts imposing duties upon the tonnage of the ships and vessels of any foreign nation, so far as the same relates to the imposition of such duties, shall be repealed: *Provided*, That the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished.

Approved: May 31, 1830.

AN ACT to authorize the President of the United States to cause the present site of the National Mint to be sold, and make an appropriation for completing the new building now erecting.

Be it enacted, &c. That the President of the United States be authorized, and he is hereby authorized, to cause to be sold, at such time, and on such terms, as he may deem most conducive to the public interest, the site now occupied by the Mint establishment, in Philadelphia, with the buildings and improvements thereon, and also to cause the proceeds of the said sale to be paid into the Treasury of the United States.

Sec. 2. *And be it further enacted*, That the sum of fifty thousand dollars be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be applied to the completion of the Mint establishment at the new location, and for furnishing the same with the requisite machinery for conducting the operations thereof.

Approved: May 31, 1830.

AN ACT authorizing the County of Allen to purchase a portion of the reservation including Fort Wayne.

Be it enacted, &c. That the associate Judges of the County of Allen, and State of Indiana, be, and they are hereby, authorized to enter, at minimum price, for the use and benefit of said county, so much of the forty acres reservation, including Fort Wayne, and reserved for the use of the Indian Agency, established there, as may not fall to the State of Indiana, under the act of the second day of March, one thousand eight hundred and twenty-seven, entitled "An act to grant a certain quantity of land to the State of Indiana, for the purpose of aiding said State in opening a canal to connect the waters of the Wabash river with those of Lake Erie."

Approved: May 31, 1830.

AN ACT for the relief of John Reily.

Be it enacted, &c. That there shall be granted to John Reily one thousand acres of land, in full satisfaction of a land warrant, issued by the State of Georgia, on the twenty-second day of December, seventeen hundred and eighty-five, for one thousand acres of land, to be located within the district ceded by the said State of Georgia to the United States. And the said John Reily is hereby authorized to locate the said quantity of land, by legal subdivisions, as near as may be, on any lands now offered for sale by the United States, at the minimum price. And the President of the United States is hereby authorized to cause patents to issue to the said John Reily, for the land so to be located, on producing the certificate of the Register of the Land Office, as in other cases.

Approved: May 31, 1830.

AN ACT for the relief of John Baptiste Jerome.

Be it enacted, &c. That it shall be the duty of the Third Auditor of the Treasury to ascertain the value of a certain barn, the property of said Jerome, and marked on a map referred to in the deposition of James Ganou, on file in the office of the Clerk of the House of Representatives, number sixteen, which was destroyed by fire, by order of an American officer, to prevent its use as a cover by the British and Indians, in the battle of the twenty-second of January, one thousand eight hundred and thirteen, at Frenchtown, on the river Raisin; and, also, to ascertain the value of the personal property of said Jerome in and about said barn, and which was destroyed in consequence of such burning; and the sum so found to be due, shall be paid out of any money in the Treasury, not otherwise appropriated.

Approved: May 31, 1830.

AN ACT for the relief of the legal representatives of Simeon Theus, deceased.

Be it enacted, &c. That the proper accounting officer of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury, not otherwise appropriated, to the legal representatives of Simeon Theus, deceased, the sum of thirty eight thousand two hundred and eleven dollars and ninety-nine cents, being the amount of bad bonds, for which he receipted to his predecessor, and for which he obtained no credit upon settlement at the Treasury.

Approved: May 31, 1830.

AN ACT for the relief of John F. Carmichael, of the State of Mississippi.

Be it enacted, &c. That John F. Carmichael, of the State of Mississippi, be and he is hereby, confirmed in his claims to two tracts of land, by virtue of two Spanish grants in favor of Claudio Bougard, one dated the thirtieth of November, one thousand seven hundred and eighty-nine, for one thousand arpens, the other dated sixth March, one thousand seven hundred and ninety-four, for one thousand and thirty-four arpens, lying and

being partly in each of the States of Louisiana and Mississippi, and on Week's Creek, which rises in Wilkinson county, Mississippi, and runs into the parish of Feliciana, Louisiana, through the line of demarcation dividing said States, near the Lake of the Cross, adjoining the lands of Christian Bingaman on the South; the same having been reported for confirmation by the Commissioners of the Land Office at St. Helena, Louisiana; in their report of January, one thousand eight hundred and twenty-four.

Sec. 2. *And be it further enacted,* That the Commissioner of the General Land Office, upon being presented with plats and certificates of survey of the said tracts of land, legally executed by a proper officer, shall issue patents for the same; which patents shall operate only as a relinquishment, on the part of the United States, of all right and title to said lands.

Sec. 3. *And be it further enacted,* That, if it shall appear to the satisfaction of the Commissioner of the General Land Office that the claims, or any part thereof, herein mentioned, shall have been sold, patented or confirmed, to any other person, previous to the passage of this act, then and in that case, the said John F. Carmichael shall be allowed to enter the same number of acres of the claims thus sold, patented or confirmed, to any other person, on any of the unappropriated lands in the State of Mississippi, or in the land district of St. Helena, in the State of Louisiana, that may be subject to private entry, conforming such entry to the divisions and subdivisions established by law.

Approved: May 31, 1830.

AN ACT for the relief of Gabriel Godfroy.

Be it enacted, &c. That it shall be the duty of the Third Auditor of the Treasury to ascertain the value of a certain barn, the property of said Godfroy, and marked on a map referred to in the deposition of John M. McCalla, on file in the office of the Clerk of the House of Representatives, number fifteen, which was destroyed by order of an American officer, to prevent its use by the British and Indians as a cover, in the battle of the twenty-second of January, one thousand eight hundred and thirteen, at Frenchtown, on the river Raisin; and, also, to ascertain the value of the personal property belonging to said Godfroy, and destroyed in and about said barn, in consequence of the burning of the same; and the sum found to be due, shall be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved: May 31, 1830.

AN ACT for the relief of Samuel Ward.

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Samuel Ward, surviving partner of the late firm of Samuel Ward and brothers, out of any money in the Treasury, not otherwise appropriated, the legal interest due on a final settlement certificate, issued by Benjamin Walker to Abraham Whipple, Esquire, dated the twenty-third day of October, one thousand seven hundred and eighty-six, number two hundred and eighty-one, the principal of which certificate has been paid to the said Samuel Ward, under a law passed the twenty-fourth day of May, Anno Domini one thousand eight hundred and twenty-eight: *Provided,* That Samuel Ward shall first execute and deliver to the Comptroller of the Treasury, a bond of indemnity in double the amount of the sum so to be paid, with such sufficient security as the said Comptroller shall direct and approve.

Approved: May 31, 1830.

AN ACT to amend the act, entitled "An act for the relief of certain surviving Officers and Soldiers of the Army of the Revolution."

Be it enacted, &c. That the second section of the act, entitled "An act for the relief of certain surviving Officers

and Soldiers of the Army of the Revolution," approved the fifteenth of May, one thousand eight hundred and twenty-eight, shall not be construed to embrace Invalid Pensioners, and that the pension of invalid soldiers shall not be deducted from the amount receivable by them under the said act.

Approved: May 31, 1830.

AN ACT to amend the Charter of Georgetown.

Be it enacted, &c. That public notice of the time and place of sale of any real property chargeable with taxes in Georgetown, in all cases hereafter, shall be given once in each week, for twelve successive weeks, in some one newspaper in the County of Washington, in which shall be stated the number of the lot or lots, or parts thereof, intended to be sold, and the value of the assessment, and the amount of the taxes due and owing thereon; and that so much of the seventh section of an act of Congress, approved May twenty-sixth, one thousand eight hundred and twenty-four, as requires said notice to be given in the National Intelligencer, and in a newspaper in Alexandria, be, and the same is hereby repealed: *Provided*, That nothing in this act shall change the manner of giving notice of the sales of property owned by persons not residing in the District of Columbia.

Sec. 2. And be it further enacted, That on the fourth Monday of February next, and on the same day biennially thereafter, the citizens of Georgetown, qualified to vote for Members of the two Boards of the Corporation of said Town, shall, by ballot, elect some fit and proper person having the qualifications now required by law to be Mayor of the Corporation of Georgetown, to continue in Office two years, and until a successor is duly elected, and the person having at said election, which shall be conducted by Judges of election appointed by the Corporation, the greatest number of legal votes, shall be declared duly elected, and in the event of an equal number of votes being given to two or more candidates, the two Boards in joint meeting, by ballot, shall elect the Mayor from the persons having such equal number of votes.

Sec. 3. And be it further enacted, That in the event of the death or resignation of the Mayor, or his inability to discharge the duties of his office, the two Boards of the Corporation, in joint meeting, by ballot, shall elect some fit person to fill the office until the next regular election.

Sec. 4. And be it further enacted, That the present Mayor of Georgetown shall continue to fill the office of Mayor until the fourth Monday of February next.

Sec. 5. And be it further enacted, That so much of the present Charter of Georgetown, as it is inconsistent with the provisions of this act, be, and the same is hereby repealed.

Approved: May 31, 1830.

AN ACT for the relief of David Beard.

Be it enacted, &c. That there be paid, out of any money, not otherwise appropriated, to David Beard, the sum of three thousand nine hundred and ninety-eight dollars and eighty-four cents, being a balance due him, arising from the forfeiture and sale of certain goods, and wares and merchandize belonging to the said David Beard and Joseph Farwell, introduced into the District of Oswegatchie, in the State of New York, in the year one thousand eight hundred and twelve, and which were seized by Officers of the Customs, for an alleged violation of the laws of the United States.

Approved: May 31, 1830.

AN ACT for the relief of Isaac Pinney.

Be it enacted, &c. That the Secretary of War be, and he hereby is, directed to restore the name of Isaac Pin-

ney to the roll of Revolutionary Pensioners, and to cause him to be paid at the rate of eight dollars per month, from and after the first day of January, one thousand eight hundred and twenty-eight.

Approved: May 31, 1830.

AN ACT for the relief of sundry Citizens of the United States, who have lost property by the depredations of certain Indian tribes.

Be it enacted, &c. That the claims of certain citizens of the United States, named in the Senate document at the first session of the nineteenth Congress, number fifty-five, for depredations committed on their property by the Indian tribes therein mentioned, and the claim of James and Jesse Morrison, and the claim of Burd and Abram Smith, for Indian depredations, be and the same are hereby submitted to the Third Auditor of the Treasury, for examination and adjustment; who is hereby directed to be governed in his decisions, by the provisions of the 14th section of the act of March thirtieth, one thousand eight hundred and two, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," and by treaty stipulations with any of the tribes mentioned, applicable to any of the cases: *Provided*, That no limitation of time for presenting claims under that act shall bar any of the claims herein mentioned. And the amount of each claim, when so established and ascertained, shall be paid to the claimant or claimants, out of any money in the Treasury not otherwise appropriated, and the amount of each claim, when so ascertained and established, shall be reported to Congress, with the evidence in its support, for final decision and allowance.

Approved, May 31, 1830.

RESOLUTION, granting the use of the books in the Library of Congress, to the heads of Departments, to certain officers of Congress, and to Ex-Presidents of the United States.

Resolved, &c. That the President of the Senate and Speaker of the House of Representatives, for the time being, be, and they are hereby authorized to grant the use of the books in the Library of Congress, to the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Secretary of the Senate, and Clerk of the House of Representatives, the Chaplains of Congress, and any individual when in the District of Columbia, who may have been President of the United States, at the times, and on the same terms, conditions, and restrictions, as members of Congress are allowed to use said books.

Approved, Jan. 13, 1830.

RESOLUTION for obtaining the aggregate returns of enumerations of the population of the United States.

Resolved, &c. That the Clerks of the several District and Superior Courts of the United States be, and they are hereby directed to transmit to the Secretary of State, the several returns of the enumeration of the Inhabitants of the United States filed in their respective offices by direction of the several acts of Congress, passed the first of March, one thousand seven hundred and ninety; the twenty-eighth of February, one thousand eight hundred; the twenty-sixth of March, one thousand eight hundred and ten; and the fourteenth of March, one thousand eight hundred and twenty.

Approved, May 28, 1830.

RESOLUTION to suspend proceedings against the Corporation of the House of Refuge in New York.

Resolved, &c. That the Secretary of the Treasury be, and is hereby, directed to suspend all proceedings for the collection of a debt due to the United States from the So-

ciety or Corporation of the House of Refuge in the State of New York, until the end of the next session of Congress.
Approved, May 29, 1830.

RESOLUTION requiring annual Reports to be made to Congress, in relation to applications for Pensions.

Resolved, &c. That the Heads of Department, who may severally [be] charged with the administration of the pension laws of the United States of America, be and they hereby are, respectively, directed and required, as soon as may be after the opening of each Session of Congress, to present to the Senate and House of Representatives,

a several list of such persons, whether Revolutionary, invalid, or otherwise, as shall have made application for a pension, or an increase of pension, and as, in their opinion, respectively, ought to be placed upon the pension roll, or otherwise provided for; and for doing which they have no sufficient power or authority, with the names and residence of such persons, the capacity in which they served, the degree of relief proposed, and a brief statement of the grounds thereof, to the end that Congress may consider the same,

Approved, May 29, 1830.

SPEECH OF MR. FRELINGHUYSEN, ON THE SUBJECT OF SUNDAY MAILS.

[Accidentally omitted in its proper place.]

IN THE SENATE OF THE UNITED STATES—May 8, 1830.

The following preamble and resolution being under consideration, viz.

"The Sabbath is justly regarded as a divine institution closely connected with individual and national prosperity—no legislature can rightfully reject its claims; and although the Congress of the United States, from the peculiar and limited constitution of the General Government, cannot by law enforce its observance—yet, as they should not, by positive legislation, encroach upon the sacredness of this day, or weaken its authority in the estimation of the people—

"Therefore, it is

"RESOLVED, That the Committee on the Post Office and Post Roads be instructed to report a bill, repealing so much of the act on the regulation of post offices as requires the delivery of letters, packets, and papers, on the Sabbath, and further to prohibit the transportation of the mail on that day."

Mr. FRELINGHUYSEN spoke as follows:

MR. PRESIDENT: I have presented this resolution to the Senate, not only in the hope that we may consider and respect the claims of the Sabbath, but also that an occasion may be afforded of disabusing the public in regard to the object of the memorialists.

When it was proposed to our fellow citizens, during the last Congress, respectfully to petition for a repeal of the law which required the transportation of the mail and the opening of post offices on Sunday, it produced a spontaneous, cordial, and unexampled concert and co-operation, from one limit of the Union to the other. Thousands of our constituents, who would abhor all religious tests and ecclesiastical domination, sent up their request that a profanation of the Sabbath, as destructive of our temporal prosperity as it was offensive to God, might be repressed. Sir, it was a noble tribute to the just claims of a day held sacred by all Christian men. It was a nation's voice, speaking on a subject deeply involving its best interests. I could wish that the plea had been regarded, and at least rightly apprehended. The petitioners would not have been charged with the design of uniting Church and State, in any dangerous alliance, had their motives been justly appreciated, or their language distinctly understood. In looking over the memorials that have loaded your tables for the last and present sessions, I find among them the first names of our country. The principal merchants in all our important cities, judges, jurists, and legislators, the farmer, manufacturer, and mechanic, of every denomination, have combined a weight of influence, and respectability of testimony, on the sacred authority of this holy day, as honorable to them as it should be persuasive and prevalent with us.

The honorable committee of the House of Representatives, to whom these memorials had been referred, in their report, made on the 3d of February, 1829, observe, "It is believed that the history of legislation in this country affords no instance in which a stronger expression has been made, if regard be had to the numbers, the wealth, or the intelligence of the petitioners."

Sir, what has wrought so sudden and singular a revolution in the public mind, if such indeed be the case? Whence has arisen this clamorous opposition to an object that so lately seemed to draw to itself such universal and popular approbation? When we open the volumes of remonstrances against the interference of Government to prevent its own violations of the Sabbath, but one prominent cause is urged. It is gravely assert-

ed that the petitioners are striving to bring into the operations of our Government an ecclesiastical dominion to lord it over the consciences of men, and to encroach upon the rights and freedom of religious belief and opinion. Sir, it is due to all parties, as well as to ourselves, to examine this charge in the spirit of candor, divested of all prejudice, and with a single, sincere desire that the truth may be known.

The men who have presented their respectful memorials to the Congress, are not among those that have ever been friendly to either civil or ecclesiastical bondage. I have traced among them the names of many illustrious worthies of our Revolution. They seem to have rejoiced in an occasion that would bear their public testimony to the authority of the Christian Sabbath. Moreover, when we seek for the proof of this ungracious charge, we find that instead of desiring any inroad to be made upon the rights of conscience, the manifest design of the memorialists has been to increase the entrenchments around these high interests. They saw in this act of Congress, beside other exceptionable features, a direct invasion of religious liberty; that whilst it left all others tranquil, it attacked the principles of every postmaster in the land, with all the multitudes of clerks, assistants, messengers, and mail carriers, and commanded them to disregard the Divine authority and the legislation of almost every State, and to make the Sabbath a day of business, and of distracting servile labor. And without disturbing in the least degree the opinions or creed of any body of Christians, Congress was besought to repeal a statute thus adverse to individual privilege and public welfare. The truth is, Mr. President, the whole spirit and scope of these applications have been tortured from their obvious intention, as I hope to show to every member of the Senate.

The eleventh section of the act of Congress regulating the Post Office Department, requires that "postmasters shall, on every day of the week, keep open their post offices, for the delivery of letters, packets, and papers, at all reasonable hours. No other statute of similar requirement can be found in our civil or criminal code. It is an anomaly in our legislation. In all our public laws beside, we perceive a very commendable concern for the sanctity of the Sabbath. And when we recur to their provisions we shall be furnished with a conclusive reply to the objection, that is derived from a diversity of sentiment, on the proper season that should be devoted to religious duties. Our predecessors have acted upon a true, republican principle, that the feelings and opinions of the majority were to be consulted. And when a collision might arise, inasmuch as only one day could be thus appropriated, they wisely determined, in accordance with the sentiments of at least nine-tenths of our people, that the first day of the week should be the Sabbath of our Government.

This public recognition is accorded to the Sabbath in our Federal Constitution. The President of the United States, in the discharge of the high functions of his legislative department, is expressly relieved from all embarrassment on Sunday. The business of the Supreme Court, the highest judicial tribunal of the country, is by law directed to suspend its session on Sunday. Both Houses of Congress, the Offices of the State, Treasury, War, and Navy Departments, are all closed on Sunday. And all the States of the Union I believe, (twenty three

of them certainly) by explicit legislative enactments, acknowledge and declare the religious authority of Sunday.

Sir, these State laws do not merely notice this day, but they require in terms its religious observance, and prohibit its profanations under proper penalties. And yet these regulations may be assailed with equal propriety as the resolution I have submitted.

A brief allusion to the course of public enactments by the States, will fully illustrate the high consideration that has been devoted to the Sabbath, as a portion of time which duty, sound policy, and our best interests require, should be set apart for religious service and moral improvement. I have selected two or three cases only, not that they are the strongest, but because they present a fair estimate of the views that have been entertained by the different legislatures of the Union. In the States of Georgia and North Carolina, so decided was the plea of their statesmen, that they not only prohibited the profanation, but required the observance of the Sabbath. Pursuing our researches into the legislation of all the old thirteen States, and most of the new western States, sections of a kindred spirit are found to be incorporated into their systems of laws. Sir, this forms a most grateful testimonial, that refutes all the outcry of "sectional conspiracies" and "unhallowed combinations." It exhibits a full, harmonious and honorable commentary upon the great political truth, that a free people can preserve their liberties through moral influences alone; and that to cherish these, a Sabbath is vitally indispensable. Permit me, Mr. President, before I dismiss this part of the subject, to give an extract from a public law of the Territory of Michigan, adopted on the 15th of May, 1820—it is the preamble to "an act to enforce the observance of the Sabbath." I deem it important, for the sound principles and practical wisdom which it combines. The extract follows: "Considering that, in every community, some portion of time ought to be set apart for relaxation from worldly cares and employments and devoted to the social worship of Almighty God, and the attainment of religious and moral instruction, which are in the highest degree promotive of the peace, happiness, and prosperity of a people: and whereas the first day of the week, commonly denominated the Sabbath, has at all times, among Christians in general, been devoted to these important purposes," &c.; therefore, it is by that act ordained, "that the first day of the week shall be kept and observed by the good people of the Territory as a Sabbath, holyday, or day of rest from all secular labor and employments." I cannot forbear to remark, sir, that such indications of correct sentiment are heard by us with peculiar satisfaction, as coming from our territorial districts. They are the best pledges that could be given, of the stability and prosperity of the rising communities on our borders.

The example of the old world also pleads powerfully on behalf of this sacred institution: London, with all its wealth, business, and enterprise, regards the Sabbath. No mail is opened or closed on this day. And although there is probably five times the commerce between London and Liverpool, as between New York and Philadelphia, no mail leaves the Metropolis for Liverpool between Saturday evening and Monday morning; and the mercantile classes of these populous communities make no complaint of this interruption. No, sir, they rejoice at the relief and refreshment from the toils of worldly business, that one day in seven there may be a pause in the anxieties of eager speculation; and that even the rage of selfish cupidity is compelled to suspend its pursuits—Now, sir, in this review of the case, it must appear a most singular prejudice that is now excited and raised, against all efforts to restore our national legislation to a consistency with its own principles, so often avowed. It is as absurd as it is unjust. Every State of the Union has, from its very origin, preserved just such a connexion between Church and State, as is now deprecated, and by means much more vigorous than the repeal of this offen-

sive section. They have fixed the day—they have enjoined its observance—they have specified and prohibited its profanations in particular details, and annexed the sanctions of legal penalties—and yet, after all this, when Congress are respectfully requested to be passive, and not to command its violation, but to leave the Sabbath alone, the note of alarm is sounded, (and many good men are deluded by it,) that some dangerous conspiracy is meditated against the freedom of conscience.

This charge, perhaps, deserves a more particular examination. If it be meant to impute to the petitioners a desire, that the Government should establish a particular system of religious doctrines, to form a national creed; that it should erect an ecclesiastical council to adjust all differences in opinion, no complaint was ever more unfounded. But if it amounts merely to the imputation of an earnest wish, that the whole conduct of the nation, in the administration of its laws, and the transaction of its business, should be conformed to Christian principles; that our rulers might acknowledge their obligations to the Supreme Ruler of the Universe, respect his laws, and legislate in his fear, the charge is true, sir, every word of it. And is this a dangerous union of Church and State? Does the expression of such pure and exalted sentiments in these memorials, deserve to be driven from your doors, to be put aside with the traitorous purposes and evil deeds of "Catiline, Judas, and Arnold?" Sir, this unfounded implication of the motives of the petitioners may become the watchword and apology for all manner of wickedness. Men may be guilty of blasphemy, drunkenness, and murder, and when you approach them with the language of rebuke or admonition, they may, behind this shield, turn to you with the cry of fanaticism, that you wish to bring religion into matters of civil concern. They may tell you, that it is far better for her to move in her own proper and appropriate sphere; "better to be locked up in a man's own bosom," and not become a busybody in other men's matters. Sir, why may not individuals as well as States—when did the latter—obtain exemption from the claims of religion? The same page that proclaims condemnation to the sinner, also declares "the nation that will not serve God shall perish." Congress are not asked to legislate into existence the precepts of piety. No, sir, these are enacted already; they can never be repealed—and it is a most dangerous and destructive delusion to suppose, that, although as individuals and families, we are bound to respect the principles of religion, yet when we assume the character of States and Nations they cease to exert any legitimate influence. Such was not the political faith of the Father of his Country. Washington loved to cherish that connexion between Church and State which led to universal public and private virtue. And this result, he deeply realized, could flow alone from the prevalence of religious principle. Hear his forcible illustration of it, in his last counsels given to his country, in his Farewell Address of 1796: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. Let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." The reflection and experience of this illustrious man convinced him, that all attempts at sustaining a moral community, without founding its principles upon religious obligations, would be utterly vain and fruitless. He clearly perceived that without this, morality had no vital principle, and would be a mere sounding brass to amuse the ear, but would exert no salutary restraint upon the conduct of men. Sir, he

made the connexion of religion with morality, the basis of all true patriotism. Let us ponder his admonition, and pursue his counsels.

I trust that I have shown, upon the most satisfactory human authority, and by the almost universal consent of this great community, that the first day of the week is a consecrated portion of time : that so far as the laws of the country can have efficacy, in any case, they have effectually established the Sabbath day, as a day of rest from labor. Now, sir, I hope that the argument for its preservation will not be impaired by showing that the dictates of policy and the sanctions of religion alike maintain its importance. I insist, with deference, that the reasons which have been suggested for Sabbath Mails are not satisfactory. Sir, it is said that the discontinuance of them would induce private expresses on that day, and that this would only increase the evil. This graduating of moral evil forms but a miserable apology. I ask, what have we to do with the probable increase or diminution of vicious or criminal practices amongst individuals, in a simple inquiry—whether we shall, as a Christian people, acknowledge or preserve a Sabbath—whether we shall, by our own conduct, countenance an institution of most salutary tendencies, or by our example break down its authority and rob it of all its energies ? Let us do right, and leave the consequences of personal violations of duty to those who may dare to encounter them. But, Sir, private expresses are subject to State laws, and would be controlled by their authority—while your mail stages claim an exemption (a doubtful one, certainly,) that is not reached by State prohibitions. Moreover, the example of the General Government is far more demoralizing than scores of private messengers. It goes down to the people with all the weight of authority, and exerts a tremendous influence.

Mr. President, our constituents look up here for correct moral lessons—they wait to hear of laws that will terrify the evil doer—that will cherish those great interests of religion and morality, which Washington instructed them to regard as the only sure foundation of political prosperity : and what, sir, will be their emotions, when they learn that this august body rejects their supplications, and decrees that servile and worldly labor *shall be done on every day of the week*, the commands of God to the contrary notwithstanding ? Every good man will hang his head in despondency ; infidelity will ring her triumphs, and the cause of God and the country severely suffer in the discomfiture. Therefore, I have contended, that, if we must witness the violations of the Sabbath, let the guilt of them rest upon individuals, but let the Government be clear.

All these State regulations would be quickened into active enforcement by your example. You have hitherto paralyzed their influence, and many of them are become lifeless enactments. But should we speak out firmly—should we arrest our own profanation—it would awaken vigilance in all the State Governments, and we might hope very soon to behold our whole country in the enjoyment of a tranquil Sabbath.

Again, sir, the plea has been made, that if the mail should be stopped every Sabbath day, the transmission of earlier information by other modes would be effected, to the injury of those who rely on the mail for advices. Why, sir, intelligence is communicated now, by expresses, with far greater despatch than by your conveyance, and will continue to be so, whenever the occasion calls for extraordinary rapidity. Recollect the speed of the late Message. It flew as on the wings of the wind—it laughed at the progress of your mail. This is an objection, therefore, without any foundation in fact. But suppose it true : I wait for the evidence that any earlier information thus obtained ever contributes to the welfare of the merchant or manufacturer. No, sir, I believe it to be blighted with a curse on its way, which, whether seen or not, actually and certainly attends it. Let it be granted that the suspension of our business on

the Sabbath would diminish the amount of our profits, in proportion to the alleged loss of time, a very interesting question still remains to be solved—Will this be in any sense calamitous ? I think not, sir. Let the benefits on the other side be calculated. What shall we have in exchange ? In the first place, the satisfaction of a peaceful conscience—a treasure not to be purchased or redeemed with money : in the second place, we shall possess a moral excellence as a people, a thousand fold more valuable than all the wealth and splendors of commercial greatness. Yes, Mr. President, grant me the intelligence and integrity, the public and private virtue which the Sabbath will cherish and promote ; give me the people that love the repose of this day, that honor the institutions of religion, and I will point my country to her best earthly hope in the hour of peril—to her surest stay and defence. I trust, sir, that we shall never graduate public worth by dollars and cents. Let us, by arresting this national profanation, reject the miserable pelf that is amassed by labor pursued on a violated Sabbath.

It may be enquired wherefore it is that our citizens have remained so long quiet on this subject. You are aware, sir, that unavailing efforts have been heretofore made. But the evils have become more palpable in later years. The rapid increase of our population—the emergencies of business—the rush of trade in all its various branches, with facilities of intercourse, have multiplied the encroachments on the Sabbath to such alarming extent, that unless some check be interposed, there is good reason to fear we shall in a very few years remember this day only in the melancholy spectacle of its universal desecration. It will be an era of portentous import. Sir, this day is the ægis of a republican and free people. It is the poor man's friend, it elevates him and his family, by promoting decency of manners, neatness, and order. It is the only time which the necessities of his condition and the constitution of society spare to him for rest and reflection ; and hence every inroad upon its sacredness is a direct attack upon his best privilege. I believe, sir, that the grand Adversary of our race, could he be permitted to select the single object, would strike the blow at this divine institution. He would say, resign to me this great moral lever—let my votaries drive on the pursuit of business, the schemes of enterprise and ambition, without interruption—let there be no time for man to reflect, to gather in his thoughts, to review his life, or to consider his origin and his destiny—and I desire no more.

Mr. President—the Sabbath was made for man—not to be contemned and forgotten—the constitution of his nature requires just such a season. It is identified with his pursuits, and his moral tendencies. God has ordained it in infinite benevolence. The reason for its institution, as recorded in his word, was his own example. It began with creation. The first week of time was blessed with a Sabbath. The garden of Eden would not have smiled in all its loveliness, had not the light of this day shone upon it. Blot it out, and the hope of this world is extinguished. When the whirlwind raged in France, how was it, sir ? They could not carry their measures of ferocity and blood, while this last palladium of virtue remained : Desolation seemed to pause in its course, its waves almost subsided : when the spirit of evil struck this hallowed day from the Calendar, and enacted a decade to the Goddess of Reason—after which the besom swept all before it.

Our own experience must satisfy us that it is essential to the welfare of our condition. Put the mind to any action of its powers—let its energies be exerted incessantly, with no season for abstraction and repose, and it would very soon sink under a task so hostile to its nature : it would wear out in such hard service. So let the pursuits of business constantly engage our speculations, and the whole year become one unvaried calculation of profit and loss, with no Sabbath to open an hour for the return of higher and nobler feelings, and the heart will become the victim of a cold and debasing selfishness, and have no

greater susceptibility than the nether millstone. And if in matters that are lawful, such consequences would issue, what will be the results of a constant, unbroken progression in vice ! Sir, I tremble at the prospect for my country. If this barrier against the augmenting flood of evil be prostrated, all your penalties and prisons will oppose an utterly inefficient check. Irreligion will attain to a magnitude and hardihood that will scorn the restraints of your laws. Law, sir ! of what avail can this be against the corrupted sentiment of a whole people ? Let us weigh the interesting truth—that a free people can only flourish under the control of moral causes ; and it is the Sabbath which gives vigor, and energy, and stability to these causes. The nation expects that the standard of sound principles will be raised here. Let us give it a commanding elevation. Let its tone be lofty. It is in this way we should expect to excite the enthusiasm of patriotism, or any other virtue. When we would awaken in our youth the spirit of literary emulation, we spread out to their vision a rugged path and a difficult ascent, and raise the prize of fame high above the reach of any pursuit, but an ardent, laborious, and vigorous reach of effort. If we would enkindle the love of country, we do not humble her claims to a miserable posture, just above downright indifference—but we point to a devoted Leonidas, and the brightest names of the scroll, and thus urge our youth onward and upward. Let us, then, sir, be as wise and faithful in the cultivation of sound moral principles.

Mr. President : I firmly believe that the repeal of this single section, and the suspension of the mail, would exert the happiest influence. It would call up public attention. It would present the claims of the Sabbath with such force of interest and weight of influence, as would, I hope, establish and perpetuate it as an effective defence around our free institutions. The mail arrested, and the post office closed on Sunday, by the solemn authority of Congress ! Who can fail to perceive the noble impulse that would be given. Sir, this would correct all false and degrading estimates of this sacred day—it would almost of itself form a public sentiment. The floods of vice and infidelity would be stayed in their course. Such high example would silence the cavils of the profane—And ~~as~~ as I understand it, is the true old fashioned way to popularity. It is not that sickly principle, which flatters public vices, and connives at national sins—but which, in the purity of its purposes, dares to rebuke them, and by wise and wholesome measures to correct them.

Suffer me to urge, as a further motive, the tendency

of our example in its influence upon the kingdoms of the old world. We have been greatly useful to them in the illustrations furnished by our history of the principles of civil liberty. The mass of their people begin to understand the true object of government. Until our political career commenced, power had long taught its subjects that this was a mysterious machinery, to be approached by no vulgar hand, and scrutinized by no common eye. We have broken the spell for them, and men have learned the value of freedom. We have taught them that personal liberty, security, and property are inalienable rights, that are to be protected and cherished, but which cannot be impaired or destroyed by human governments. They are prepared to receive from us instructive examples on the efficacy of a sound moral code in sustaining these interests.

I am persuaded that we shall not be deterred by the absurd imputation of a design to tyrannize over the consciences and rights of men. Sir, this charge is most unreasonable in an age of greater moral and intellectual light than the world has ever seen. It is, indeed, a strange engine of oppression. In all past time, to hold men in bondage it was found necessary to keep them in ignorance : but here is "a dangerous party," which some affect to fear, that none but tyrants have ever dreaded before. A party whose labors are spreading the means of general information ; whose philanthropy is engaged in enlightening the ignorant and reclaiming the deluded, whose charities have penetrated the abodes of the convict and opened a ray of hope even to him ; and such men are assailed and summoned to a defence of such conduct. I will not attempt the serious refutation of a groundless charge. I dismiss it, with this bare statement of its character.

I ask for the demonstration of a fair experiment—this we can make without harm. Many of our constituents (and they are, permit me to say, among the best friends and purest patriots of the country) believe that such a consecration of this day is fraught with signal blessings to all our interests, as a free people. They are a part of this nation, whose opinions upon any other subject would be respected. Grant them a practical exposition of their principles ; and whenever we shall have suffered by a repeal of this offensive law—when it shall be seen that it has been in any degree disastrous to our public or individual prosperity, we may return to the practice of impiety, and proclaim abroad, that for a Christian People to regard the authority of God, and the repose of his Sabbath, is shown to be an injurious and unprofitable service.